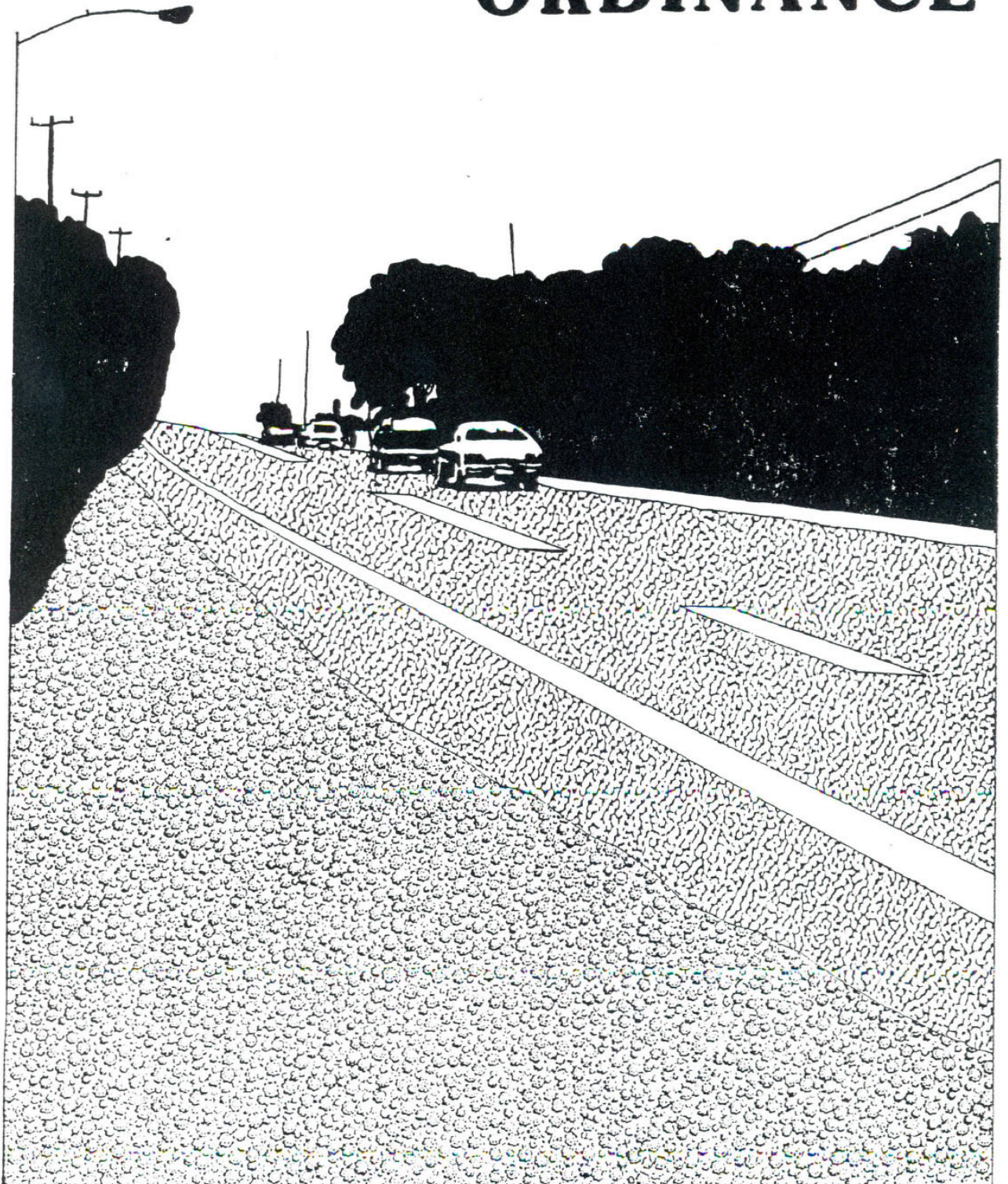


ZONING ORDINANCE



GREENBRIER TENNESSEE

**ZONING ORDINANCE
GREENBRIER, TENNESSEE**

**ADOPTED MAY 7, 1990
LAST AMENDED: June 7, 2010**

**PREPARED BY
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TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I ENACTMENT	I-1
1.010 Authority	I-1
1.020 Title	I-1
1.030 Enactment	I-1
1.040 Purpose	I-2
ARTICLE II DEFINITIONS	II-1
2.010 Scope	II-1
2.020 Definitions	II-1
2.030 Use Classification System	II-12
ARTICLE III GENERAL PROVISIONS	III-1
3.010 Scope	III-1
3.020 Only One (1) Principal Building on Any Lot	III-1
3.030 Lot Must Abut a Dedicated or Public Street	III-1
3.040 Rear Yard Abutting a Public Street	III-1
3.050 Corner Lots	III-2
3.060 Future Street Lines	III-2
3.070 Reduction in Lot Area Prohibited	III-2
3.080 Obstruction to Vision at Intersection and Railroad Intersections Prohibited	III-2
3.090 Access Control	III-2
3.100 Accessory Use Regulations	III-3
3.110 Buffer Strips	III-3
3.120 Site Plans	III-4
ARTICLE IV SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS	IV-1
4.010 Off-Street Parking Requirements	IV-1
4.020 Off-Street Loading and Unloading Requirements	IV-10
4.030 Temporary Use Regulations	IV-11
4.040 Home Occupations	IV-13
4.050 Gasoline Service Station Restrictions	IV-14
4.060 Swimming Pool Restrictions	IV-14
4.070 Development Standards for Multi-Family Dwellings	IV-15
4.080 Standards for Signs, Billboards, and Other Advertising Structures	IV-18
4.090 Development Standards for Mobile Home Parks	IV-35
4.100 Alternative Provisions for Lot Size and the Location of Open Space	IV-43
4.110 Development Standards for Automobile Wrecking, Junk and Salvage Yards	IV-47
4.120 Development Standards for Cemeteries	IV-48
4.130 Minimum Design Standards for Transmission and Communication Towers and Stations	IV-49
4.140 Tree Planting and Protection – Deleted	IV-49

TABLE OF CONTENTS (Continued)

	<u>Page</u>
ARTICLE V ZONING DISTRICTS	V-1
5.010 Classification of District	V-1
5.020 Zoning Map	V-1
5.030 Zoning District Boundaries	V-2
5.040 Agricultural and Residential District Regulations	V-2
5.050 Commercial District Regulations	V-43
5.060 Industrial District Regulations	V-53
5.070 Flood District Regulations	V-59
ARTICLE VI EXCEPTIONS AND MODIFICATIONS	VI-1
6.010 Scope	VI-1
6.020 Nonconforming Uses	VI-1
6.030 Nonconforming Buildings or Other Structures	VI-4
6.040 Exceptions to Height Limitations	VI-4
6.050 Lots-of Record	VI-5
ARTICLE VII ADMINISTRATION AND ENFORCEMENT	VII-1
7.010 Administration of the Ordinance	VII-1
7.020 The Enforcement Officer	VII-1
7.030 Building Permits	VII-2
7.040 Temporary Use Permits	VII-6
7.050 Certificate of Occupancy	VII-6
7.060 Board of Zoning Appeals	VII-6
7.070 Variances	VII-10
7.080 Procedure for Authorizing Special Exceptions	VII-11
7.090 Amendments to the Ordinance	VII-28
7.100 Amendments to the Zoning Map	VII-28
7.110 Penalties	VII-29
7.120 Remedies	VII-29
7.130 Validity	VII-29
7.140 Interpretation	VII-30
7.150 Effective Date	VII-30

AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
February 6, 1995	95-01	Amended by Adding to Article III, Section 3.120, <u>Site Plans</u> , A., B., C., D., E., 1., 2., 3., 4.
February 6, 1995	95-02	Amended by Changing the Following Sections of Article IV, Section 4.080, <u>Development Standards for Mobile Home Parks</u> ; Subsections A., 1, A., 2., I.; B., 1., a.
February 6, 1995	95-02	Amended by Changing the Following Sections of Article V, Section 5.010, <u>Classification of Districts</u> , Section 5.044, B., <u>Residential Activities</u> , and Omit the Following Part of Section 5.044, C., <u>Residential Activities</u> , Multi-family dwelling, Mobile home parks
February 6, 1995	95-02	Amended by Adding the Following Section to Article V, Section 5.045, <u>RD, Mobile Home Park District</u>
June 5, 1995	95-04	Article II, Section 2.020, <u>Definitions</u> , Added <u>Bed and Breakfast Home Residence</u>
June 5, 1995	95-04	Article V, Section 5.042, <u>RA, Low Density Residential District</u> , C., <u>Uses Permitted as Special Exceptions</u> , Added Bed and Breakfast Home Residences
June 5, 1995	95-04	Article V, Section 5.043, <u>RB, Medium Density Residential District</u> , C., <u>Uses Permitted as Special Exceptions</u> , Added Bed and Breakfast Home Residences
June 5, 1995	95-04	Article V, Section 5.044, <u>RC, High Density Residential District</u> , C., <u>Uses Permitted as Special Exceptions</u> , Added Bed and Breakfast Home Residences
June 5, 1995	95-04	Article VII, Section 7.080, <u>Procedures for Authorizing</u>

AMENDMENTS (Continued)
Page 2

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		<u>Special Exceptions</u> , under Subsection G., Added Subsection 3., <u>Special Conditions for Review Pertaining to Bed and Breakfast Home Residences</u>
December 2, 1996	96-14	(Amended Article III, by Deleting Section 3.120, <u>Site Plans</u> , in its entirety; Amended Article VII, Section 7.030, by Deleting All of Subsection B, and Replacing with New Subsection B, 1, 2, 3, 4, 5, a, and b, Text
April 7, 1997	97-09	Article IV, Added Section 4.120, <u>Minimum Design Standards for Transmission and Communication Towers and Stations</u>
April 7, 1997	97-15	Article V, Section 5.020, <u>Zoning Map</u> , Amended by Adding April 7, 1997
June 2, 1997	97-21	Article V, Section 5.043, <u>RB, Medium Density Residential District, B, Uses Permitted, Under Residential Activities</u> , Amended by Deleting Duplex dwelling
August 18, 1997	97-26	Article IV, 4.070, A, 7, Amended by Deleting in Its Entirety and Replaced with New Subpart 7
August 18, 1997	97-26	Article IV, 4.070, C, 3, Amended by Deleting in Its Entirety and Replaced with New Subpart 3
January 5, 1998	97-28	Article IV, 4.070, C, Amended by Adding Subpart 10, <u>Marquee Signs</u>
June 1, 1998	98-12	Article III, <u>General Provisions</u> , Is Deleted and Replaced with New Article III
August 10, 1998	98-05	Article V, Entire Section 5.040, <u>Agricultural and Residential</u>

AMENDMENTS (Continued)
Page 3

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		<u>District Regulations, Is Deleted and Replaced with New Section</u>
August 10, 1998	98-13	Article IV, Entire Article IV, <u>Supplementary Provisions Applying to Specific Districts, Is Deleted and Replaced with New Article IV</u>
May 3, 1999	98-18	Article IV, Subsection 4.086, 1, Amended by Adding, and CC
May 3, 1999	98-18	Article V, Section 5.010, <u>Classification of Districts, Amended Commercial Districts</u>
May 3, 1999	98-18	Article V, Entire Section 5.050, <u>Commercial District Regulations, Is Deleted and Replaced with New Section</u>
March 1, 1999	99-01	Article II, Section 2.020, <u>Definitions, by Adding New Definition, Adult Oriented Business; Section 2.030, E, Commercial Activities, Added New Number 22, Activity Type – Adult Entertainment Establishments; Article V, Section 5.062, C, Uses Permitted as Special Exceptions, Added New Commercial Activities, Adult Entertainment; Article VII, Section 7.080, I, Specific Standards for Commercial Activities, Added New Number 2, Special Conditions for Adult Entertainment Business</u>
March 1, 1999	99-03	Article V, Subsection 5.041, F, <u>Dimensional Requirements, 6, Accessory Uses, Deleted Old b, Replaced with New b; Subsection 5.042, F, Dimensional Requirements, 6, Accessory Uses, Deleted Old b, Replaced with New b; Subsection 5.043, F, Dimensional Requirements, 6, Accessory Uses, Deleted Old b,</u>

AMENDMENTS (Continued)
Page 4

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		Replaced with New b; Subsection 5.044, F, <u>Dimensional Requirements</u> , 6, <u>Accessory Uses</u> , Deleted Old b, Replaced with New b;
April 3, 2000	00-01	Article IV, Added 4.140, <u>Tree Planting and Protection</u>
November 13, 2000	00-06	Article IV, Section 4.083, Subsection 2, a, by Deleted and Replaced with New Section
November 13, 2000	00-06	Article IV, Section 4.087 <u>Temporary Sign Provisions</u> , Deleted and Replaced with New Section
November 13, 2000	00-07	Article V, Section 5.044, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.045, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.051, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.052, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-07	Article V, Section 5.053, F, by Adding New Subsection 7, <u>Landscaping</u>
November 13, 2000	00-08	Article IV, Section 4.015, <u>Requirements for Design of Parking Lots</u> , Subsection 6, Deleted and Replaced with New Section
November 1, 2004	04-04	Article V, Subsection 5.052, D,

AMENDMENTS (Continued)
Page 5

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		Uses Permitted as Special Exceptions, is Amended by Adding Single Family Detached Dwellings.
		Article VII, Section 7.080, G, Specific Standards for Residential Activities, is Amended by Adding a New Number 4.
March 7, 2005	04-05	Article IV, Section 4.082, Supplementary Definitions, Amended by Adding New Definition (Electronic Message Signs).
June 6, 2005	05-05	Article IV Section 4.030, B, Limited Duration Goods and Seasonal Merchandise, be Amended by Adding 2 Sentences to End.
May 7, 2007	07-04	Article IV Section 4.086, Permitted Signs in Commercial and Industrial Districts 1, (c) & (d), Amended by Omitting Certain Language and Inserting New.
July 7, 2008	08-10	Article VI, 6.020, Nonconforming Uses, Amended by Deleting and Replacing Text in Subsection F, Discontinuance.
June 1, 2009	09-06	Article IV, 4.087, Temporary Sign Provisions, Add Subpart 4, Duration of Display, Installation Without Prior Approval.
October 5, 2009	09-12	Article V, Subsection 5.051, CA, Town Center Commercial District,

AMENDMENTS (Continued)
Page 6

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
		Subpart (B), Uses Permitted, Under Commercial Activities, Added, Auto Services and Repair; and Vehicular, Craft, and Related Equipment.
March 1, 2010	10-02	Article VI, Section 6.020, Subpart (D), Changes of Use, Amended First Paragraph.
June 7, 2010	10-06	Article V, Added Section 5.070, Flood District Regulations
2010	10-07	Article V. <u>Political Signs</u>
Sept 12, 2011	11-08	Article VI. Section 6.020 Article VI. Section 6.020 Part (D). <u>Change of Use</u> . Amend paragraphs 1-4.
March 6, 2017	17-05	Article III. Section 3.030. <u>Lot must abut a dedicated or public street.</u>
June 5, 2017	17-10	Article V. Section 5.041. Item (G) added to <u>Agricultural District Regulations</u>
July 10, 2017	17-11	Article V. Section 5.048. <u>REPUDH</u>
August 7, 2017	17-13	Article V. Sections 5.051, 5.052, 5.053. <u>Rear Setbacks</u>
Nov 6, 2017	17-21	Article V. Section 5.050
	17-22	Article V. Section 5.060
	17-23	Article VII. Section 7.030 (E)
Dec. 4, 2017	17-24	Article IV. Section 4.140
June 4, 2018	18-08	Article IV. Section 4.080 – Signs
October 1, 2018	18-11	Article III. Sections 3.050, 3.120 Article IV. Section 4.060 Article V. Sections 5.041,2(F)(6) Article VII. Sections 7.070, 7.100

**ZONING ORDINANCE
OF
GREENBRIER, TENNESSEE**

**ARTICLE I
ENACTMENT**

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose

1.010 AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code, to provide for the establishment of districts within the corporate limits of the City of Greenbrier, Tennessee, to regulate within such districts the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020 TITLE

This ordinance shall be known as the Zoning Ordinance of Greenbrier, Tennessee, dated **May 7, 1990**. The zoning map shall be referred to as the official Zoning Map of Greenbrier, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 ENACTMENT

WHEREAS, Section 13-7-201 through 13-7-210, of the Tennessee Code, empowers the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the City to enact such an ordinance, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210, of the Tennessee Code, with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION THAT THE ZONING ORDINANCE OF GREENBRIER, TENNESSEE, BE ENACTED INTO LAW.

1.040 PURPOSE

The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. preventing overcrowding of land;
- C. conserving the value of land and buildings;
- D. minimizing traffic hazards and congestion;
- E. preventing undue concentration of population;
- F. providing for adequate light, air, privacy, and sanitation;
- G. reducing hazards from fire flood, and other dangers;
- H. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. encouraging the most appropriate uses of land;
- J. enhancing the natural, man-made and historical amenities of Greenbrier, Tennessee.

ARTICLE II
DEFINITIONS

SECTION

- 2.010 Scope
- 2.020 Definitions
- 2.030 General Classification System

2.010 SCOPE

For the purpose of this ordinance and in order carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".

2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definitions or such as the context may imply.

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 principal 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.

ADULT ORIENTED BUSINESS - A commercial enterprise that offers as its principal or predominant stock or trade sexually oriented material, devices, or paraphernalia or specified sexual activities or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults. "Adult Oriented Business" includes, but is not limited to: **(Amended by Adding New Definitions, Ordinance No. 99-01, March 1, 1999)**

- A. **Adult Book Stores** which means any corporation, partnership or business of any kind which has as its principal or predominant stock in trade books, magazines or other periodicals and which offers, sells or rents for a fee:
1. Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or
 2. Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or
 3. Any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age.
- B. **Adult Motion Picture Theaters** which means an enclosed building used for presenting films which are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and
- C. **Adult Shows or Adult Peep Shows** which includes all adult shows, exhibitions, performances or presentations which contain acts or depiction's of specified sexual activities.

SEXUALLY ORIENTED MATERIAL - Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording which depicts sexually activity, actual or simulated, involving human beings or animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state is completely uncovered.

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

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

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

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

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than two (2) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, or which are discarded or junked are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

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

BED AND BREAKFAST HOME RESIDENCE: A residence within which not more than three (3) sleeping rooms (limited to three (3) persons or one (1) family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) consecutive days in any thirty (30) day period of time, with breakfast being available on the premises. A bed and breakfast home is allowed only in a building originally constructed as a one (1) family dwelling subject to the provisions prescribed in the zone district where in the use is located. **(Added by Ordinance. No. 95-04, June 5, 1995.)**

BOARD: The Greenbrier, Tennessee, Board of Zoning Appeals.

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

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures, 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 INSPECTOR: The building inspector for the City of Greenbrier

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 on the lot on which it is situated.

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 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.

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

DAY CARE CENTER: Any place, home, or institution, which receives eight (8) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

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

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

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single family.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families the living quarters of each of which are completely separate.
- c. Apartment dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by four (4) or more families each of which has separate living quarters. This includes triplexes and quadruplexes.

- d. Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.
- e. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
- f. Town house means a residential structure containing four or more single nondetached dwelling units separated by a common vertical wall.
- g. Condominium means an apartment building or townhouse containing four or more dwelling units being under or intended for separate ownership for each household living accommodations.
- h. Multi-family means a townhouse or apartment dwelling.
- i. Triplex dwelling means units designed for use by three families located on the same tract in one ownership.
- j. Quadruplex dwelling means four units designed for use by four families located on the same tract in one ownership.
- k. Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.
- l. Mobile home or trailer means a detached one-family dwelling with all the following characteristics:
 - 1. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
 - 2. Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels.
 - 3. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental

unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

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

FAMILY: One or more persons occupying a single unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. See Chapter 24, of Title 13, Tennessee Code.

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 Robertson 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.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

INCIDENTAL ALTERATIONS: Changes or replacements in the nonstructural parts of a building or other structures without limitations to the following examples:

- A. Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:
 1. Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
 2. A minor addition to the exterior of a residential building, such as an open porch;
 3. Alterations of interior non-load-bearing partitions in all other types of buildings or other structures.
 4. Replacement of, minor change in, capacity of utility pipes, ducts or conduits; or

- B. Changes or replacements in the structural parts of a building or other structure limited to the following examples or others of similar character or extent:
1. Making windows or doors in exterior walls;
 2. Replacement of building facade having nonload-bearing capacity;
 3. Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

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.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

LOADING SPACE: An area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance 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 (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings, including the open space required under this ordinance.

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

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

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

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimensions of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

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

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MEDICAL FACILITIES:

- A. **Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with means 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 sick or injured and including related facilities such as 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.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon three (3) or more mobile homes as herein defined are placed, located or maintained in single ownership for rental purposes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NONCOMPLYING:

- A. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- B. Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertaining to:
 - 1. Location along district boundary;
 - 2. Signs; or
 - 3. Accessory off-street parking and loading;either on the effective date **March 7, 1977**, or as a result of any subsequent amendment to the zoning ordinance.

NONCONFORMING USE: A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of **March 7, 1977**, or as a result of any subsequent amendment to the zoning ordinance.

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 ordinance.

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 (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PLANNING COMMISSION: The Greenbrier Municipal Planning Commission.

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

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

RIGHT-OF-WAY: The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets, the right-of-way shall be thirty (30) feet from the street center line. On all arterial streets, the right-of-way shall be a minimum of forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Greenbrier. The outer boundary of the right-of-way is contiguous with any property line abutting the street.

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 Department of Health and Environment.

SEMI-TRAILER: A vehicle without motive power, factory or reconstructively designed, to be drawn on highways by a motor vehicle (primarily, a truck tractor) and so built that some part of its weight and that of its load rests upon the towing vehicle when attached; the semi-trailer can be unhitched and stored or parked separately when attached to motive power, and may or may not be loaded while parked.

SEXUALLY ORIENTED MATERIAL: Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording which depicts sexual activity, actual or simulated, involving human beings or animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state is completely uncovered. **(Amended by Adding New Definitions, Ordinance No. 99-01, March 1, 1999)**

SHELTER, FALL OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids storms, or other emergencies.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard, posterboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all. (off premises sign)

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Ground Sign: A sign supported by a pole, uprights, or braces on the ground.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Indirect Illumination Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

Off-Premises Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

Pole Sign or Banjo Sign: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

Roof Sign: A detached sign supported upon the roof or wall of a building.

Temporary Sign: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only. (A maximum of six (6) months.)

Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects no more than twelve (12) inches beyond the face of such wall.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the 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 the 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 road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one (1) lot and which has been legally dedicated and accepted for public use.

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.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

TRACTOR TRAILER RIG: A motor powered truck tractor vehicle, factory or reconstructively designed, to be attached to a semi-trailer and when so attached is utilized as a mobile rig to transport, convey, or move freight, goods, products, and merchandise of all types on highways from one location to another generally for commercial and industrial purposes; the truck tractor vehicle is used primarily for drawing other nonmotive vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and the load so drawn.

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 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 the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

2.030 USE CLASSIFICATION SYSTEM

The provisions of this section shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest.

A. Listing of Activity Classifications

All activities are hereby classified into the following activity types:

1. Residential Activities

a. Permanent

**Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Mobile Home
Dwelling, Multi-Family
Mobile Home Park**

b. Semi-Permanent

**Boarding House
Rooming House**

2. Community Facility Activities

**Administrative
Community Assembly
Community Education
Cultural and Recreation Services
Essential Service
Extensive Impact
Health Care**

**Intermediate Impact
Personal and Group Care Facilities
Religious Facilities**

3. Commercial Activities

**Animal Care and Veterinarian Services
Automotive Parking
Automotive Service and Repair
Building Materials and Farm Equipment
Consumer Repair Services
Construction Sales and Services
Convenience Commercial
Entertainment and Amusement Services
Financial, Consulting, and Administrative
Food and Beverage Service
Food Service - Drive-In
General Business and Communication Services
General Personal Service
General Retail Trade
Group Assembly
Medical and Professional Services
Transient Habitation
Transport and Warehousing
Undertaking Services
Vehicular, Craft, and Related Equipment Sales,
Retail and Delivery
Wholesale Sales**

4. Manufacturing Activities

**Extensive
Intermediate
Limited**

5. Agricultural, Resources Production, and Extractive Activities

**Agricultural Services
Commercial Feed Lots and Stockyards
Crop and Animal Raising
Mining and Quarrying
Plant and Forest Nurseries**

B. Accessory Uses

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. The accessory uses permitted are presented with the regulation section of each district as set forth in this resolution.

C. Residential Activities

1. Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this resolution are permanent residential activities; however, only those dwelling types as indicated by individual regulations may be permitted therein.

Dwelling, Single Detached
Dwelling, Duplex
Dwelling, Mobile Home
Dwelling, Multi-Family Apartment, Townhouse
Mobile Home Park

2. Semi-Permanent Residential

The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision or a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state. The following dwelling or rooming unit types as defined by this resolution are considered as semi-permanent residential activities; however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.

Boarding House
Rooming House

D. Community Facility Activities

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices
Civil Defense Facilities
Court Buildings
Fire Department Facilities
Post Offices
Police Department Facilities

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

**Civic, Social, Fraternal, and Philanthropic Associations
Private (nonprofit) Clubs, Lodges, Meeting Halls, and
Recreation Centers
Temporary Nonprofit Festivals**

3. Community Education

The activities typically performed by the following institutions:

**Kindergarten, Primary and Secondary Schools
Public and Private Nursery Schools**

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

**Art Galleries
Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens**

5. Essential Services

Includes the maintenance and operations of the following installations:

**Electrical and Gas Substations
Electric, Gas, Water, and Sewer Distribution and
Collection Lines
Pumping Facilities for Water and Sewer Systems
Rights-of-Way for Transportation Modes
Telephone Switching Facilities**

6. Extensive Impact Facilities

The activities that have a high degree of impact upon surrounding land uses due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

**Airports, Air Cargo Terminals, Heliports, or Other
Aeronautical Devices
Correction and Detention Institutions
Electricity Generating Facilities and Transmission Lines
Garbage Incineration Plants, Including Cogeneration
Facilities; Sanitary Landfills
Major Fuel Transmission Lines and Facilities
Major Mail Processing Centers
Military Installations
Public and Private Utility Corporations and Truck Yards,
Including Storage Yards
Railroad Yards and Other Transportation Equipment
Marshaling and Storage Yards**

7. Health Care-Facilities

Includes the activities typically performed by the following institutions, but not including the offices, clinics, etc., of private physicians or other health care professionals:

**Convalescent Homes
Hospitals
Medical Clinics**

8. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations.

**Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities, but
Excluding Profit-Making Business Schools
Commercial Boat Docks, Marinas, and Yacht Clubs
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Water Storage Facilities, Water and Sewage
Treatment Plants**

9. Personal and Group Care Facilities

The activities and facilities to provide for the care of preteenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

**Associations for Physically or Mentally
Handicapped Persons
Day Care Centers**

**Group Homes for Physically or Mentally
Handicapped Persons
Nursing Homes
Orphanages
Retirement or Rest Homes**

10. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community service functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. The activities include:

**Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples**

E. Commercial Activities

1. Animal Care and Veterinarian Services

Include the provision of animal care, treatment, and boarding services.

Veterinarian Clinics and Kennels

2. Automotive Parking

Includes the parking and/or storage of motor vehicles, but excluding junk or scrap vehicles.

**Auto Parking Lots
Parking Garages**

3. Automotive Services and Repair

Includes the sale, from the premises, of goods and the provision of services which are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs, as well as clean-up, painting and repair of automotive vehicles, including body work and installation of accessories.

**Auto Cleaning and Repair Services
Auto Glass Repair and Replacement Shops
Auto Inspection and Diagnostic Services
Auto Paint Shops
Auto Towing Services
Car Washes
Gasoline, Fuel, and Oil Sales and Service
Radiator and Muffler Shops**

**Tire Retreading and Repair Shops
Wheel alignment and Transmission Repair Shops**

4. Building Materials and Equipment

Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

**Farm Equipment and Supplies
Feed Milling and Sales
Heating, Plumbing, and Electrical Supplies
Lumber and Other Building Material Dealers
Retail Nurseries, Lawn and Garden Supply Stores
Seed Storage and Sales**

5. Consumer Repair Services

Include the servicing and repair of appliances, furniture, and equipment generally used or owned by individuals, not including the repair of any type of automobile.

**Blacksmith Shops
Electrical Repair Shops
Gunsmith Shops
Instrument Repair Shops
Lawn Mower Repair Shop
Locksmith Shops
Office Equipment Cleaning and Repair
Refrigeration and Air Conditioning Repair
Reupholster and Furniture Repair
Saddlery Repair Shops
Watch, Clock, and Jewelry Repair**

6. Construction Sales and Services

Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

**Builder's Hardware
Carpentering Contractors
Concrete Contractors
Excavation Contractors
General Building Contractors
Glazing Contractors
Highway and Street Construction Contractors
Masonry, Stonework, Tile Setting, and Plastering Contractors
Painting, Paper Hanging, and Decorating Services
Plumbing, Heating, and Electrical Contractors
Roofing and Sheet Metal Contractors**

7. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently provided than no establishment shall exceed five thousand (5,000) square feet of gross floor area.

**Barber Shops
Beauty Shops
Drug Stores
Fruit and Vegetable Markets
Grocery Stores
Hardware Store (No outside storage)
Laundry and Dry Cleaning Pick-Up Stations
Liquor Stores
News Stands
Self-Service Gasoline Pumps
Tobacco Shops**

8. Entertainment and Amusement Services

Include the provisions of cultural, entertainment, educational, and athletic services, other than those classified as Community Facility Activities, to assemble groups of spectators or participants.

**Art Galleries (Commercial)
Batting and Golf Driving Ranges
Bowling Alleys and Billiard Parlors
Coin Operated Amusement Arcades
Dance Halls and Studios
Exhibition Halls and Auditoriums
Recording and TV Production Services
Skating Rinks
Theaters
Theatrical Producers, Bands, Orchestras, and Entertainers**

9. Financial, Consulting, and Administrative Services

Include the provision of financial, insurance, and real estate brokerage services, as well as advice, designs, information, or consultations of a professional nature (other than those classified as Community Facility Activities, Medical and Professional Service, or Business and Communication Services). These also include the executive management, or administrative activities of private, profit oriented firms but exclude the sale and/or storage of goods or chattel, unless otherwise permitted by this resolution.

**Agricultural Credit, Institution
Banking and Bank-Related Functions
Credit Unions
Holding and Investment Organizations
Insurance Carriers, Agents, Brokers, and Service
Money Management and Investment Offices**

Real Estate Brokers, Managers and Appraisers
Rediscount and Financing Institutions for Credit Agencies
Other Than Banks
Savings and Loan Associations
Securities Commodities, Brokers, Dealers, and Exchanges
Title Offices

10. Food and Beverage Service

Include the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Restaurants
Taverns

11. Food Service-Drive-In

Includes the retail sale of prepared food or beverages for either home or on premise consumption either within the principal structure or within a parked car on the same zone lot.

Drive-In Restaurants
Fast Food Restaurants with Drive-Thru Service

12. General Business and Communication Services

Include the provision of service of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except, books) but exclude the sale and/or storage of goods and chattel, unless otherwise permitted by this resolution.

Advertising Agencies and Services
Commercial Cleaning Services
Commercial Testing Laboratories
Communications Services:
 Radio and Television Broadcasting Studios
 Telegraph Offices and Message Centers
 Telephone Exchanges and Relay Towers
 Television and Recording Production Studios
Computer and Data Processing Services
Credit Reporting, Adjustment, and Collection Agencies
Detective Agencies and Protective Services
Drafting Services
Employment, Personnel, and Temporary Help Services
Exterminating Services
Interior Decorator and Consulting Services
Mailing Reproduction, and Commercial Art Services
Management, Consulting, and Public Relations Services
Membership Organizations:
 Automobile Clubs
 Better Business Bureaus
 Chamber of Commerce

Labor Unions
Political Organizations
Professional Associations
News Syndicates.
Photofinishing Services
Research and Development Laboratories
Trading Stamp Services
Travel Agencies
Vehicular and Equipment Rental and Leasing Services

13. General Personal Service

Include the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel, unless otherwise permitted herein.

Catering Services
Laundry, Cleaning, and Garment Services
Miscellaneous Personal Services:
Clothing Rental Agencies
Health Spas
Photographic Studios
Shoe Repair and Hat Cleaning Shops
Special Training and Schooling Services:
Art and Music Schools
Barber and Beauty Schools
Business Schools
Dancing Schools/exercise Studios
Driving Schools

14. General Retail Trade

Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services, but excluding goods and services listed in the other classifications herein.

Antique and Second Hand Merchandise Stores
Automotive Parts (No Exterior Storage)
Book and Stationery Stores
Camera Stores
Candy, Nut and Confectionery Stores
Children's and Infant's Stores
Dairy Products Stores
Department Stores
Drapery, Curtain, and Upholstery Stores
Drug Stores and Proprietary Stores
Family Clothing Stores
Floor Covering Stores
Florists
Fruit Stores and Vegetable Markets
Furniture Stores
Furriers and Fur Shops

Gift Shops
Grocery Stores
Hardware Stores
Hobby, Toy, and Game Stores
Household Appliance Stores
Jewelry Stores
Liquor Stores
Luggage Shops
Meat and Seafood Markets
Men's and Boy's Clothing and Furnishing Stores
Miscellaneous Apparel and Accessory Stores:
 Bathing Suit Stores
 Custom Tailors
 Shirt Shops
 Sports Apparel Stores
 Uniform Stores
Miscellaneous General Merchandise Stores:
 Direct Selling Organizations
 Mail Order Houses
Miscellaneous Home Furnishings Stores:
 Bedding and Linen Stores
 Cookware Stores
 Glassware and China Shops
 Lamp and Shade Shops
 Paint and Wallpaper Stores
Music Stores
News Stands
Radio and Television Stores
Retail Bakeries
Sewing and Piece Goods Stores
Shoe Stores
Sporting Goods Stores
Tobacco Shops
Variety Stores
Women's Accessory and Specialty Stores
Women's Ready-to-Wear Store

15. Group Assembly

Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (five hundred (500) or more) or that have a substantial potential impact upon adjoining property.

Amusement Parks
Commercial Camp Grounds
Commercial Resorts
Commercial Sports Arenas and Playing Fields
Drag Strips
Race Tracks (Auto, Motorcycle, Dog, and Horse)

16. Medical and Professional Services

Include the provision of therapeutic, preventative, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis and the offices of various other professionals the service of which is provided in an office environment.

Accounting, Auditing, and Bookkeeping Services
Artists Studios (excluding Commercial Artists)
Attorneys and Law Offices
Chiropractors Offices
Consulting Scientists
Dental Offices and Laboratories
Educational and Scientific Research Services
Engineering and Architectural Services
Optometrists
Physicians' Offices and Clinics (Out Patient Services)
Psychologists and Psychotherapists
Songwriters and Music Arrangers
Urban Planning Services
Writers and Lecturers

17. Transient Habitation

Includes the provision of lodging services to transient guests, having at least seventy (70) percent of its accommodations available on a less-than-weekly basis, other than those classified as Residential Activities:

Hotels
Motels
Tourist Courts

18. Transport and Warehousing

Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair
Food Lockers
General Warehousing
Household Goods Storage
Packing and Crating Services
Railroad, Bus and Transit Terminals
Refrigerated Warehousing
Truck Terminals and Freight Handling Services

19. Undertaking Services

Include the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Funeral and Crematory Services

20. Vehicular, Craft, and Related Equipment

Includes the retail or wholesale sale or rental from the premises of vehicular and related equipment with incidental maintenance.

**Boat and Motor Dealers
Mobile Home Dealers
Motor Vehicle Dealers
Motorcycle Dealers
Recreational Vehicle and Trailer Dealers**

21. Wholesale Sales

Include the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

**Apparel, Piece Goods, and Notions
Beer, Wine, and Distilled Alcoholic Beverages
Chemicals and Allied Products
Drugs, Drug Proprietaries, and Sundries
Electrical Goods and Appliances
Farm Products Raw Materials
Farm Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware, Plumbing, and Heating Equipment and Supplies
Lumber and Other Construction Materials
Machinery, Equipment, and Supplies
Metals and Minerals
Motor Vehicles and Automotive Parts and Supplies
Paints, Varnishes, and Supplies
Paper and Paper Products
Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies**

22. Activity Type - Adult Entertainment Establishments **(Added by Ordinance No. 99-01, March 1, 1999)**

a. Intent and Limitations

This grouping is intended to include all “adult oriented businesses” and activities defined by this ordinance. This grouping includes all facilities wherein material is presented or exhibited which is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined by this ordinance for observation by patrons therein.

b. Use Listing

**Adult Arcade
Adult Bookstore
Adult Mini-Motion Picture Theater
Adult Motion Picture Theater**

F. Manufacturing Activities

Manufacturing activities include the on-site production of goods by methods other than agricultural or extractive in nature.

1. Limited Manufacturing Activities

Include the following operations:

- a. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products:

**Apparel and Apparel Accessories
Art Objects
Bakery Goods
Beverages (Nonalcoholic)
Dairy Products
Instruments for Medical, Dental, Engineering,
Scientific, and Other Professional Purposes
Optical Instruments and Loans
Printed Matter
Signs**

- b. Activities and operations which include the following:

**Book Binding
Data Processing Service
Photocopying
Photoengraving
Precision Machining of Dies, Jigs, and Fixtures
Printing
Publishing
Record Pressing
Upholstering
Welding**

2. Intermediate Manufacturing Activities

Include the following:

- a. The manufacture, compounding, assembling, packaging, treatment or fabrication of all products, **except for the following:**

Cotton Seed Oil

**Explosives
Fireworks
Organic Fertilizers**

- b. All manufacturing activities and, operations, **except for the following:**

**Abrasive, Asbestos, and Nonmetallic
Mineral Processing
Arsenals
Asphaltic Cement Plants
Atomic Reactors
Automobile Wrecking Yards, Scrap and
Waste Materials
Cement and/or Concrete Plants
Chemical Manufacturing in excess one (1) per day.
Cotton Ginning
Fat Rendering
Foundries
Grain Milling,
Junk Yards
Offal Processing
Ore Reduction
Paper Mills
Petroleum Refining
Pulp Manufacturing
Radioactive Materials Waste Handling
Rolling and Finishing of Ferrous Materials
Slaughtering of Animals
Smelting and Refining of Metals and Alloys
Steel Works (other than those listed)
Tanning
Waste Disposal by Compacting or Incineration,
as a principal use**

3. **Extensive manufacturing Activities Materials**

Include all Intermediate Manufacturing Activities (described above) and the exceptions listed above, except as follows:

**Arsenals
Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes Storage and/or Transfer
Radioactive Waste Handling**

The above exceptions may be defined to be included within the Extensive Manufacturing Classification only after proper review by the Board of Appeals.

G. Agricultural, Resource Production, and Extractive

1. Agricultural Services

Include various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity, thereto.

Crop Drying, Storage, and Processing
Crop Planting, Cultivating, and Protection Services
Horticultural Services
Livery Stables
Riding Stables
Soil Preparation Services

2. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

3. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products.

Dairies
Farms
Raising of Plants, Animals, and Fish
Truck Gardens

4. Mining, Drilling, and Quarrying

Includes operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other nonmetallic minerals.

Chemical Fertilizer and Nonmetallic Mineral Mining
Clay, Ceramic, and Refractory Minerals
Coal Mining
Crude Petroleum and Natural Gas Production
Metal Ore and Mineral Mining
Sand and Gravel Quarrying
Stone Quarrying

5. Plant and Forest Nurseries

Include the cultivation for sale of horticultural specialties, such as flowers, and trees, intended for ornamental, or tree planting purposes.

Forest Nursery
Plant Nursery

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Lot
- 3.030 Lot Must Abut a Public
- 3.040 Rear Yard Abutting a Public Street
- 3.050 Corner Lots
- 3.060 Future Street Lines
- 3.070 Reduction in Lot Area Prohibited
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strips
- 3.120 Site Plans

3.010 SCOPE

For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

Only one (1) original building and its customary accessory buildings may hereafter be erected on any agricultural or residential lot. This provision does not prohibit planned commercial developments, multi-family dwellings or mobile home parks.

3.030 LOT MUST ABUT A DEDICATED OR PUBLIC STREET

No building shall be erected on a lot which does not abut at least one (1) public street for at least fifty (50) feet; this section shall not apply to properties abutting a cul-de-sac, which shall be at least forty (40) feet; or to those with an easement of at least thirty (30) feet in width to a public street; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other acreage, such easement shall not be used to provide access to any additional lot or tracts. **(Amended by Ordinance 17-05, March 6, 2017)**

3.040 REAR YARD ABUTTING A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street, or

property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050 CORNER LOTS (Amended by Ordinance 18-11, October 1, 2018)

The minimum required side yard setback for all structures constructed on a corner lot shall be the same as the front road setback for the district. Accessory structures are prohibited from this side yard area.

3.060 FUTURE STREET LINES

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official Major Thoroughfare Plan of Greenbrier.

3.070 REDUCTION IN LOT AREA PROHIBITED

No lot, even though it may consist of one (1) 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 or a lot is acquired for a public purpose.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION AND RAILROAD INTERSECTIONS PROHIBITED

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of ninety (90) feet from the intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and height of ten (10) feet above the average grade of each street and/or railroad at the center line, thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090 ACCESS CONTROL

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

- A. A point of access for vehicles onto a road shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing the access does not exceed fifty (50) percent of its respective road frontage.

All points of access shall be constructed as to provide for proper drainage.

- B. There shall be no more than two (2) points of access to any one (1) public road each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots with less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public road.
- C. No point of access shall be allowed within twenty-five (25) feet of the curb line (or roadway shoulder when there are no curbs) of a public intersection.
- D. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the City of Greenbrier or if a state highway, a permit must be obtained from Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than thirty (30) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public road.

3.100 ACCESSORY USE REGULATIONS

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

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Total accessory use in residential areas shall be limited to covering no more than one-half (1/2) the size of the principal use on any lot.
- F. Accessory structures shall not exceed twenty (20) feet in height, except as permitted in Section 6.040.

3.110 BUFFER STRIPS

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential or agricultural, the developer of said use shall provide a landscaped buffer strip at the point of abutment. The buffer strip shall be no less than twenty (20) feet in width and shall consist of continuous screening along the extent of the development. Furthermore, there shall be installed around the rear and

sides of all drive-in restaurants a four (4) foot metal, mesh fence (or equivalent) designed to keep any litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Appeals. Commercial or industrial uses abutting property zoned residential shall have all exterior lighting directed away from the residential district in such a way as not to create a nuisance, and such lighting shall not exceed three (3) foot candles measured at the property line abutting the residential district.

3.120 SITE PLANS

- A. Ten (10) copies of proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings), shall be submitted to City Hall no later than fifteen (15) days prior to the upcoming planning commission meeting. See Article VII, Section 7.030, for specific site plan requirements. See Subdivision Regulations Section 2-101.201 (1) for schedule of review. **(Amended Ordinance 18-11, October 1, 2018)**
- B. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Section 4.080.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Greenbrier Municipal Planning Commission.
- D. All site plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee to perform such design service as is required above.
- E. Performance bonds when required by the Planning Commission for site plans shall be provided according to the following provisions:
 - 1. All site plans presented for review and approval to the Greenbrier Municipal Planning Commission shall present the planning commission a performance bond for improvements shown on the site in the amount of one hundred-twenty (120) percent of cost of said improvements.
 - 2. Said improvements shown on the site plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways, including catch basins, or any other improvements required by the planning commission before the site plan is approved.
 - 3. The performance bond must be payable to the Greenbrier Board of Mayor and Aldermen.
 - 4. The performance bond must be retained for a period of one (1) year from the approval date of the site plan. If improvements have been made within one (1) year period, the Board of Mayor and Aldermen may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Board of Mayor and Aldermen, of the City of Greenbrier, shall

retain and cash the performance bond to facilitate the completion of such improvements.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Swimming Pool Restrictions
- 4.070 Development Standards for Multi-Family Dwellings
- 4.080 Standards for Signs, Billboards, and Other Advertising Structures
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Alternative Provisions for Lot Size and the Location of Open Space
- 4.110 Development Standards for Automobile Wrecking, Junk and Salvage Yards
- 4.120 Development Standards for Cemeteries
- 4.130 Minimum Design Standards for Transmission and Communication Towers and Stations
- 4.140 Tree Planting and Protection **(Added by Ordinance No. 00-01, April 3, 2000)**

4.010 OFF-STREET PARKING REQUIREMENTS

In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are, hereafter, established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9'x18')) and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property

owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses, as set forth below:

A. Residential Activities

1. Permanent

a. Single Family Dwellings; Two-Family Dwellings, Mobile Homes

Two (2) per each dwelling unit.

b. Multi-Family Dwelling (3 or more); Townhouses; Condominiums

Two (2) spaces per each dwelling unit.

c. Elderly Housing, (Persons over the Age of Sixty (60))

One and one-half (1 1/2) spaces per unit.

2. Semi-Permanent

a. Boarding or Rooming House

One and one-half (1 1/2) spaces for each dwelling or rooming unit.

B. Community Facility Activities

1. Cultural and Recreational Services

Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (1/2) or more thereof) for the type following specified uses within the activity types indicated.

a. Art Galleries, Museums, Libraries

One (1) space for each eight hundred (800) square feet of gross floor area.

b. Swimming Pools

One (1) space per four (4) persons, based on design capacity of pool.

c. Parks, Playgrounds and Athletic Fields

Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.

- d. Recreation Centers and Gymnasiums (Public/Nonprofit)
Fifty (50) percent of the capacity in persons.
- 2. Essential Public Transport, Communication, and Utility Services
 - a. Electric and Gas Substations
One (1) space for each employee on major shift, plus one (1) per company vehicle.
- 3. Administrative Services; Government Office
One (1) space for each three hundred (300) square feet of gross floor area.
- 4. Community Assembly
One (1) space for every three (3) persons of rated capacity of the facility.
- 5. Education Facilities; Public and Private Schools
 - a. Kindergarten and Nursery
One (1) space for each employee.
 - b. Elementary and Middle Schools, Grade 1-9
One (1) space for each teacher and staff member, plus one (1) space per two (2) classrooms.
 - c. High School, Grades 9-12
One (1) space for each teacher and staff member, plus one (1) space for every three (3) students, based on design capacity.
 - d. Vocational or Trade Schools
One (1) space for each student plus one (1) space for each employee.
- 6. Extensive Impact Facilities
 - a. Airports, Heliports, or Other Aeronautical Devices
One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area in areas open to public.
 - b. Detention or Correctional Institutions
One (1) space for each staff member and facility vehicle, plus one (1) space per twenty-five (25) inmates.

- c. Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities
One (1) space for each employee.
 - d. Railroad, Bus, and Transit Terminals for Passengers
One (1) space for each two hundred (200) square feet of waiting room.
 - e. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards
One (1) space for each employee.
 - f. Water and Sewage Treatment Plants
One (1) space for every employee.
7. Health Care Facilities
- a. Hospitals
One (1) spaces for two (2) bed, plus one and one-half (1 1/2) spaces for each emergency room examination table or bed, plus one (1) per employee on major shift other than doctors, plus one (1) space for each doctor on staff.
 - b. Medical or Dental Clinics
Three (3) spaces for each staff member or doctor or dentist.
8. Special Personal and Group Care Facilities
- a. Day Care Centers and Family Day Care Homes
One (1) space for each staff member, plus one (1) space for every eight (8) pupils.
 - b. Family and Group Care Facilities
Two (2) spaces for every employee.
 - c. Nursing Homes or Convalescent Homes
One (1) space for each staff member, plus one (1) space for each three (3) patient beds.
9. Religious Facilities
- All Uses:** One (1) space for each three (3) seats.

C. Commercial Activities

Uses Located on Freestanding Sites

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250, in the column labeled GROSS FLOOR AREA, this means, one (1) parking space is required for every two hundred-fifty (250) square feet of gross floor area in the building, or rooms to be used for each activity.

<u>Activity Type</u>	<u>Gross Floor Area (Square Feet)</u>
1. <u>Nursery or Green House Retail Sales</u>	One (1) space per 1,000 square feet of sales area, plus one (1) space for each employee.
2. <u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	One (1) space per 500 square feet of enclosed sales or rental floor area, plus one (1) space per 2,500 square feet of open sales or rental display area, plus two (2) spaces per service bay, plus one (1) space for each employee.
3. <u>Retail Sale of Building Materials, Farm Equipment and Hardware</u>	One (1) space per 400 square feet of enclosed sales area, plus one (1) space per 2,500 square feet of open sales display area, plus one (1) space for each employee.
4. <u>Food and Beverage Service</u>	One (1) space for every three (3) seats, plus one (1) space for each employee on major shift.
5. <u>Food Service Drive-In (Fast Food)</u>	One (1) space for every two (2) seats, plus one (1) space for each employee on major shift.

6.	<u>Retail Food Stores</u>	
	a. <u>Convenience Store</u>	150
	b. <u>Grocery Store</u>	200
7.	<u>General Retail Store</u>	
	a. <u>Up to 25,000 Square Feet</u>	200
	b. <u>Over 25,000 Square Feet</u>	250
8.	<u>Furniture Store and Home Furnishings</u>	200
9.	<u>Shopping Center</u>	
	100,000 Square Feet or Less	200
	Over 100,000	250

Service Activities

1.	<u>Animal Care and Veterinarian Services; Veterinary Hospital</u>	Three (3) spaces for every doctor, plus one (1) space for each employee.
2.	<u>Automobile Services and Repair</u>	One (1) space for each employee, plus two (2) spaces for each service bay.
3.	<u>Business Services</u> (All Uses)	400 Plus one (1) space for each employee.
4.	<u>Contract Construction Office</u>	300 Plus one (1) for each company vehicle.
5.	<u>Equipment Repair Services</u>	300
6.	<u>Entertainment and Amusement</u>	
	a. <u>Art Galleries</u>	800
	b. <u>Bowling Alleys</u>	Five (5) spaces for each alley, plus one (1) for employee.

c.	<u>Billiard Parlor</u>	Two (2) spaces per table.
d.	<u>Coin Operated Arcades</u>	250
e.	<u>Commercial Recreation</u>	
	Dance Halls and Skating Rink	100
	Golf Courses, Driving Range, Putt-Putt Course	Six (6) spaces per hole, plus one (1) for each employee.
	Exhibitions Halls, Auditoriums, Amphitheaters	One (1) space for each three (3) seats, plus one (1) for each employee.
f.	<u>Motion Picture Theater</u>	One (1) space for each three (3) seats, plus one (1) for each employee.
g.	<u>Recording, Television, and Radio Studios</u>	One (1) space for each employee.
h.	<u>Resorts and Group Camps</u>	One (1) space for every campsite, plus one (1) space for each employee.
i.	<u>Fairgrounds, Amusement Parks, Carnivals, Circuses</u>	One (1) space for every 200 square feet of enclosed building, plus one (1) space for every three (3) persons the facility is designed to accommodate.
8.	<u>Finance, Insurance and Real Estate Services</u>	
	(All Uses)	200 Plus one (1) space per each employee.
9.	<u>Gasoline Service Station</u>	500 Plus two (2) spaces for each service bay and one (1) for each employee.

10. **Funeral, Mortuary, Undertaking Services** One (1) space for every four (4) seats, plus one (1) for each employee, plus one (1) space for every company vehicle.
11. **Office Professional** 300
12. **Office, Medical, Dental** Three (3) spaces per treatment room, plus one (1) for every doctor, dentist or employee.
13. **Transient Habitation**
- a. **Hotel, Motels, Tourist Homes or Courts** One (1) space for each room to be rented, plus one (1) space for each employee.
- b. **Sporting and Recreational Vehicle Camps** One (1) space for each travel vehicles or pad plus one (1) space per each employee.

D. **Industrial Activities**

1. **Manufacturing/Industrial**
Five (5) spaces. plus one for each employee on the shift of maximum employment.
2. **Warehousing, Foods or Freight Transport, and Storage**
One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.
3. **Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards**
One (1) space for each one thousand (1,000) square feet of gross floor area.

E. **Other**

For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within ARTICLE II, Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirements

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

4.012 Combination of Required Parking Spaces

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

4.013 Remote Parking Spaces

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014 Extension of Parking Area into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

1. The parking area adjoins a commercial or industrial district.
2. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
3. The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot wide buffer strip.

4.015 Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
3. Entrances and exits for all off-street in such comply with the requirements of ARTICLE III, Section 3.090, of this ordinance.

4. 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.
5. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.
6. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt or concrete and so constructed to provide for adequate drainage for both on and off-site. All parking spaces shall be clearly marked. **(Amended by Ordinance No. 00-08, November 13, 2000)**
7. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.
8. All parking lots to be in compliance with the federal Americans with Disabilities Act requirements.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every non-residential building or structure over seven thousand five hundred (7,500) square feet which require deliveries or shipments hereafter constructed or converted from residential use shall provide off-street loading and unloading spaces in accordance with the following table. Such space shall have access to a public or private alley. At no time shall any truck, van or other vehicle be allowed to extend into the public right-of-way or to use the public right-of-way as a maneuvering area. 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 for Principal Building</u>	<u>Spaces Required (See ARTICLE II, for Definition)</u>
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Off-street Loading and Unloading Requirements for Commercial Uses:

5,000 to 25,000 square feet	One (1) space
25,001 to 50,000 square feet	Two (2) spaces
50,001 to 100,000 square feet	Three (3) spaces
Each 100,000 above 100,001	One (1) additional space for each 100,000

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet	One (1) space
40,000 to 100,000 square feet	Two (2) spaces
100,001 square feet and above	One (1) additional space for each 100,000

Applicants may petition the Board of Zoning Appeals to reduce this requirement in the interest of safety where unusual or special conditions are present.

4.030 TEMPORARY USE REGULATIONS

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

A. Carnival or Circus

May obtain a Temporary Use Permit in any District; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided. All carnivals and circuses shall maintain a separation of one hundred-fifty (150) feet from any residential structure.

B. Limited Duration Goods and Seasonal Merchandise (Amended by Ordinance No. 05-05, June 6, 2005)

May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district. An applicant may apply for additional thirty (30) day permits within a twelve (12) month period. Further, it shall be required that any structures used for the temporary use shall be dismantled and removed from the property after the permit expires.

C. Temporary Buildings

In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Greenbrier Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the IB, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period.

Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Temporary Dwelling Units in Case of Medical Hardships

In any district, a Temporary Use Permit may be issued Greenbrier Board of Zoning Appeals to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Robertson County Health Department or the Greenbrier Sewer Department approving the sewage disposal system of the proposed temporary structure.

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

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

G. Temporary Dwelling Unit in Cases of Other Special Services

In any residential district, a Temporary Use Permit may be issued to place a mobile home temporarily on a lot in which already contains a residential structure where the Greenbrier Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Robertson County Health Department or the Greenbrier Sewer Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building.

I. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Greenbrier Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials

required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

4.040 HOME OCCUPATIONS

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit by members of the household residing on the premises. Only one (1) person other than members of the household shall be employed. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. This section classifies all home occupations as "Minor Home Occupations" or "Major Home Occupations", all other uses that are not considered under one of these classifications is prohibited under these regulations.

A. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have their use approved by the Board of Appeals prior to engaging in the activity. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Appeals would meet the criteria of a major home occupation.

4.050 GASOLINE SERVICE STATION RESTRICTIONS

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, except for canopies designed to cover the gasoline pump islands.

- 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 ARTICLE 4, Section 4.080, shall be met.

4.060 SWIMMING POOL RESTRICTIONS (Amended Ordinance 18-11, October 1, 2018)

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, including aprons, walks, shall protrude into any required front yard in any residential districts.
- B. The swimming pool shall follow the current code edition that is adopted by the City Board of Mayor and Alderman and the Senate Bill Number 3019.
- C. Private swimming pools are permitted in residential, and commercial districts 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.

4.070 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS

The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by ARTICLE VII, Section 7.030, B, 2.

4.071 Development Standards

1. General Standards

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing, within the same development;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.
- d. Shall provide a landscaped buffer of at least twenty-five feet adjacent to any single-family residential development. If deemed to be needed by the Planing Commission and the Board of Zoning Appeals a six (6) to eight (8) foot fence adjacent to the single family residential development can be required.

2. Detailed Standards

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.
- b. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
- g. Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Greenbrier Subdivision Regulations.
- i. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view.

4.072 Access and Parking Requirements

1. Access
 - a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 3.030 and 3.090, of this ordinance.
 - b. Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.
2. Parking
 - a. Parking spaces shall be provided in accordance with Section 4.010, of this ordinance.
 - b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.
 - c. Parking areas are required to be lighted in such a manner as direct the lighting away from adjacent residential developments.

4.073 Open Space Requirements

Any common open space established within a multi-family dwelling development shall be subject to the following:

1. Quality Use and Improvement of Common Open Space
 - a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
 - b. No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
 - c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common

open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Maintenance of Open Space

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been place on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

4.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING

STRUCTURES (Amended by Ordinance 18-08, June 4, 2018)

4.081 Intent and Objectives

1. Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- a. Protects the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
- b. Assures proper exposure of signs to their intended viewers;
- c. Protects the right of individuals to privacy and freedom from nuisances;
- d. Protects the value of property and improvements thereon;
- e. Permit signs that are constructed and maintained in a safe condition;
- f. Assure that signs are constructed and maintained in a safe condition;
- g. Encourage design that enhances the readability and effectiveness of signs;
- h. Prevents signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- i. Reduces traffic hazards;
- j. Eliminates obsolete signs;
- k. Provides an efficient and effective means of administration and enforcement.

2. Scope

Except for signs that are prohibited in all districts in Subsection 4.084., herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures.

These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations.

4.082 Supplementary Definitions

The following definitions are to be used for interpreting the provisions of this **article only**. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in ARTICLE II, of this ordinance.

Awning: Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner: A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

Billboard: See off-premise sign.

Building Inspector: The designated government official whose responsibility it is to administer the provisions of the ordinance. These activities may include, but are not limited to, reviewing applications for sign permits, corresponding with and/or meeting with applicants, issuing and denying sign permits, inspecting signs, and interpreting and enforcing the provisions of this ordinance.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy in a casement made of glass or Plexiglas.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: A sign attached to a canopy.

Copy: The characters, letters, or illustrations displayed on a sign face.

Electronic Message Display: Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, lighting emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology. Signs that only contain gas prices and time and temperature shall only meet maximum lighting intensity requirements and image duration requirements listed below. Digital signs shall be regulated as reader boards by other provisions of this ordinance regarding maximum percentage of sign and location of sign.

Frontage, Building: The length of a building that faces a street, parking area, or private drive.

Frontage Lot: The length of that part of zoning lot that fronts a public street.

Garage/Yard Sale Signs: See “Exempt Signs”

Home Occupation Signs: On-premise identification signs for home occupations shall not exceed one (1) square foot in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.

Illuminated Sign: A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Marquee: A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee Sign: A sign attached to and made part of a marquee or any other similar projection from a building.

Nonconforming Sign: A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

Off-Premise Sign: Any sign which is not located on the premises that it identifies or advertises.

Reader Board: A sign that is permitted to be a maximum of sixty (60) percent of the area of a freestanding sign and twenty (20) percent, or twenty (20) square feet, whichever is less, of the area of a wall sign. On freestanding signs, the reader board shall be located below the primary sign.

Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) Is used to announce, direct attention to, or advertise; and
- (c) Is visible from outside a building.

Sign, Banner: A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

Sign, Changeable Copy: A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed reader boards and fuel price displays.

Sign, Directional: Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size nor thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

Sign, Directory: A sign which lists the names of individuals, businesses, or products available at a single site.

Sign Distance: The land adjoining an intersection with a public street that is kept clear of obstructions between two and one-half (2 1/2) feet above ground to protect the visibility and safety of motorist and pedestrian. The protected sight distance area is the triangle with legs that are the intersecting flowlines of two (2) streets or points of access. Where local streets meet, or points of access onto streets, the legs shall extend thirty-five (35) feet away from the intersection of the flowlines. Where collector streets meet, or points of access onto street, the legs shall extend forty-five (45) feet away from the intersection of the flowlines. The site distance triangle shall be shown on a site plan when required by Section 3.120, of the City of Greenbrier Zoning Ordinance.

Sign, illuminated: Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

Sign, Monument: A freestanding sign with a base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign.

Sign, Portable: Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Sign, Projecting: Any sign that (a) is attached to a wall and projects outward from the wall more than twelve (12) inches or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Sign, Realty: A type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon which is no larger than nine (9) square feet.

Sign, Structure: A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Sign, Wall: A type of building mounted sign (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee, (b) that does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached.

Temporary Sign: An on-premise sign that is used in connection with a circumstance, situation, commercial advertisement, product availability or event that is designed, intended, or expected to take place or to be completed within a reasonably short period of time after the erection of such sign, or is intended to remain on the location where it is erected or placed for a period not more than twenty-eight (28) days. A temporary sign may not be constructed of, illuminated by, or operated by electrical, electronic, or mechanical parts. If a sign display area is permanent but the message displayed is to be subject to periodic changes, that sign shall not be regarded as temporary. Banner signs are defined as being temporary signs. All temporary signs must comply with the City of Greenbrier Zoning Ordinance.

4.083 Administration

The building inspector shall have the responsibility and full authority to administer and enforce all provisions of this ordinance, other than those provisions specifically reserved for the authority of the Board of Zoning Appeals.

4.084 Permit Procedures

1. Permit Required

No sign or sign structure, except as provided in sections 4.087, 1, (Exempt Signs) and (Non-conforming signs), shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued.

2. Permit Application

Applications for sign permits shall be submitted on a form provided by the building inspector and shall contain or have attached at a minimum the following information in either written or graphic form:

- a. Application date.
- b. Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
- c. Address of the property where the sign or sign structure will be erected.
- d. Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
- e. Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, and intersections.
- f. Type of sign, i.e., monument, walls, and general description of structural design and construction materials.
- g. Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions, means of support, method of illumination if any, and any other significant aspect of the proposed sign.
- h. Any other information requested by the building inspector in order to carry out the purpose and intent of these regulations.

3. Permit Review, Issuance, and Recording

The building inspector shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this ordinance. Such approved applications shall serve as sign permits. The building inspector shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance.

Sign permit to be approved or denied with (15) fifteen business days of submittal. If it is determined that Planning Commission and Board of Zoning Appeals approval is required or requested, then approval or denial is to be completed

within (15) business days of Planning Commission and/or Board of Zoning Appeals approval. If sign permit is denied based on incomplete submittal and not required to obtain Planning Commission or Board of Zoning Appeals approval then applicant can resubmit without requiring Board of Zoning Appeals approval and the re-submitted permit application shall be approved or denied within fifteen (15) business days.

4. Inspections

A final inspection by the building inspector or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halting of construction or sign removal, if so ordered by the building inspector.

5. Complaints and Revocations

The building inspector shall investigate any complaints of violations of this ordinance and may revoke a permit if there is any violations of the provisions of this ordinance or there was misrepresentation of any material facts in either the application or plans.

6 Expiration of Sign Permits

If an approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued, the permit shall expire and become null and void.

7. Removal

a. Illegal Signs

The building inspector may remove or order the removal of any sign not in conformance with the provision of this ordinance, at the expense of the sign owner or lessor.

b. Immediate Peril

If the building inspector shall find any sign which an immediate peril to persons or property is, the sign shall be removed. If the building inspector cannot locate the sign owner or lessor for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

8. Variances

1. Generally, The Board of Zoning Appeals may grant variances for the following reasons:
 - a. To allow a setback for a sign that is less than the required setback.
 - b. To allow the area or height of a sign to be increased by up to twenty-five (25) percent of the maximum height or area allowed.
2. Standard of Review

The Board of Zoning Appeals shall consider applications for variances only in situations where the applicant has been denied a sign permit by the building inspector. The Board of Zoning Appeals may grant a variance authorized by this section if it finds that the following special physical conditions exist:

- a. The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
 - b. Such physical characteristics prevent legal signing from identifying the activity as compared to legal signing identifying other activities in the immediate area.
 - c. The Codes Administrator may grant a twenty-five (25) percent variance as allowed in (b) if the petitioner is reducing a larger pre-existing nonconforming sign.
3. Procedures

All requests for variances must be filed with the Board of Zoning Appeals within thirty (30) days of the decision by the building inspector.

4.085 Exempt Signs and Temporary Signs

1. Exempt Signs

The following are exempt from the provisions of this article or from the requirement to obtain a sign permit.

- a. **Address and Name of Resident:** Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. **Artwork:** Works of art that do not include any commercial messages or references.
- c. **Construction Signs:** Temporary signs warning of construction,

excavation, or similar hazards so long as the hazard may exist.

- d. **Decals:** Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.
- e. **Directional Signs:** Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- f. **Flags, Emblems, Insignia, and Banners:** Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia, and banners shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.
- g. **Handicapped Parking Space Sign:** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- h. **Home Occupation Signs:** On-premise identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
- i. **Public Signs:** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board.
- j. **Seasonal Signs:** Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- k. **Security and Warning Signs:** On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and

industrial areas.

- i. **Temporary Political Signs:** On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed sixteen (16) square feet and are permitted in addition to any other signs permitted by this ordinance. These signs shall not be erected more than sixty (60) days prior to the election day. These signs shall be removed within seven (7) days after the election or political event.
 - j. **Temporary Real Estate Signs:** Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.
2. **Temporary Signs Requiring Approval (Amended Subsection 2, a, Deleted and Replaced, Ordinance No. 00-06, November 13, 2000)**

The following signs may be erected only after approval from the enforcing officer in compliance with Subsection 4.087. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, may be removed by the enforcing officer and the individual or enterprise charged the cost of removal.

- a. **Special Event Signs:** Signs announcing special events including, but not limited to, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs, excluding portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located on building walls and windows, but are excluded from all roof areas and shall be removed immediately following the event.
- b. **Temporary Farm Products Signs:** Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (32) square feet, nor shall any sign exceed six (6) feet in height.
- c. **Permanent Farm Products Signs:** Permanent on-premise signs announcing the availability of seasonal farm products. The number

of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (32) square feet, nor shall any sign exceed six (6) feet in height.

- d. **Construction Signs:** Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding twenty (32) square feet in area and eight (8) feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
- e. **Auction Signs:** Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and shall not exceed sixteen (16) square feet, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.

4.086. Standards and Criteria

1. General Standards

- a. No sign, except for those specified in Subsection 4.087, 1, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
- b. No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- c. No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- d. On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.
- e. No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.

- f. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- g. No sign shall obstruct any doorway, window, or fire escape.
- h. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- i. All pole and monument signs shall be limited to no more than eight (8) items of information.

2. **Signs Prohibited in All Districts**

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- a. Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- b. Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;
- c. Signs which are made structurally sound by guy wires or unsightly bracing;
- d. Signs which contain any kind of strobe or pulsating lights;
- e. Animated signs;
- f. Banner signs, except as permitted in Subsection 4.087, 1;
- g. Any sign with direct illumination provided by exposed bulbs or lamps;
- h. Off-premise signs, except for signs advertising retail petroleum and movie theatres.
- i. Flashing signs;

- j. Hand tacked signs, on utility poles, fence posts and trees;
- k. Portable signs;
- l. Roof signs.

2. **Determination of Sign Area**

In measuring the area of signs permitted under these regulations, the entire face of the sign (one (1) side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contained lettering or other allowable display, one (1) side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face. Support structures for monument signs shall not be included in the sign area.

3. **Determination of Sign Height**

The height of a sign erected within fifty (50) feet of a street shall be the distance from the grade level of the nearest curb or edge of street providing access to the property of the top of the sign or sign structure, whichever is greater. The height of all signs farther than fifty (50) feet from a street providing access to the property shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

4. **Street Frontage Requirements for Freestanding Signs**

Freestanding signs shall be permitted only on zoning lots with one hundred (100) feet or more of street frontage, (except on existing lots of record and cul-de-sac lots).

5. **Spacing of Freestanding Signs**

No freestanding sign shall be erected within one hundred (100) feet of another freestanding sign, (except on existing lots of record and cul-de-sac lots).

6. **Installation of Wall Signs**

All wall signs shall be installed flat against the wall of the building and shall not extend from the wall more than twelve (12) inches.

7. **Illumination**

- a. Monument signs may be internally lit or externally lit. See number 8 in this section. Prohibited Signs shall be prohibited. External illumination shall not extend beyond sign structure.
- b. Signs located on the exterior of the building (wall,

projecting, canopy, etc.) may be internally or externally lit.

- c. Types of sign illumination included in Section L. Prohibited Signs, of this ordinance, shall be prohibited.
- d. Proposed illumination shall meet the lighting requirements of the commercial design standards and must be included with the site lighting plan and exterior building elevation plan.
- e. Exposed bulbs and neon lights are prohibited on all exterior signs.

8. **Electronic Message Display**

Signs that only contain gas prices and time and temperature shall only meet maximum lighting intensity requirements and image duration requirements listed below. Digital signs shall be regulated as reader boards by other provisions of this ordinance regarding maximum percentage of sign and location of signs.

Number and Location:

One (1) electronic message sign per property. Signs shall be located 100 ft outside of intersections and not installed in locations that will directly block or confuse a driver's view. Signs shall be spaced 200 ft. from any other electronic message signs along roadways. The distance shall be measured along roadways not straight lines between signs. Signs shall be located 100 ft. from residential property lines. Signs along interstate and limited access state highways shall meet State of Tennessee Requirements.

Permitted Zoning Districts:

Electronic Message Signs shall be permitted in all zoning districts except, all residential and agricultural zones. The Planning Commission shall review and may approve all proposed locations of signs in planned unit development zoning districts if the intent and requirements of the ordinance are met. The Board of Zoning Appeals may review proposals for non-residential church, school, and day care buildings and uses permitted by special exception in residential and agricultural zoning district provided that the intent of the ordinance and requirements are met.

Illumination and Brightness:

Sign during daytime hours shall be a maximum lighting intensity of 7,500 nits and during night time hours shall be a maximum intensity of 750 nits.

Message Duration:

Images shall remain static for a minimum of eight seconds and image changes and scrolling shall be accomplished within two (2) second or less. Images shall not flash and include sudden blasts of lights or contain continuous scrolling and animation over (2) seconds in length.

9. **Residential Districts**

Within residential districts, signs authorized in Section 4.085 (Exempt Signs and temporary signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria:

Monument signs within residential zoning districts including churches, schools, day care centers, multi-family complex, and subdivision entrance shall apply to the following standards and Table 1 Signage Area and Height. Subdivision and multi-family complex shall be permitted 1 monument sign per main entrance not to exceed 2 signs per site or subdivision. Churches, Schools, Day Care Centers, and other places of Public Assembly shall be permitted 1 monument sign per 200 feet of street frontage. A second sign is permitted for lots with 400 feet of frontage including corner lots. Signs must be separated by 200 ft. measured parallel along road and not in a straight line.

Wall signs shall be regulated per Table 1. Signage Area and Size.

10. **Commercial and Industrial Districts**

Within commercial and industrial districts, signs authorized in Section 4.085 (Exempt Signs and Temporary signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria.

- a. **Wall, Marquee, Projecting, Awning, and Canopy Sign Number:**
Buildings with individual establishments shall be permitted one type of building signage type. Buildings with multiple establishments, each establishment shall be permitted one type of building sign type. Building signage types include wall/marquee, projecting, awning, and canopy sign. See item b. for buildings with more than one (1) street frontage.
- b. **Wall, Marquee, Projecting, Awning, and Canopy Sign Location:**
Buildings with more than one (1) street frontage shall be allowed secondary signage. The secondary signage is only allowed in connection with a full-time customer entrance. The location of the secondary signage must be within fifty (50) feet of the centerline of the entrance. The owner of the structure shall designate the primary and secondary entrances of the building. When applying for a secondary wall, marquee, projecting, awning, and canopy sign, the maximum square footage of the signs shall be calculated for sixty (60) percent primary entrance, forty (40) percent secondary entrance. The top of all wall/marquee signs including reader board section shall be below the roofline.
- c. **Monument Sign Numbers:** 1 monument sign per 200 feet of street frontage. A second sign is permitted for lots with more than 400 feet of frontage, including corner lots. Signs must be separated by 200 ft. measured parallel to streets not in a straight line.

- d. **Minimum Setback:** Monument signs and sign structures must be located at least 5 feet from any property line and outside of all sight visibility triangles.
- e. **Shared Development Signage:** Developments planned with multiple lots and shared access points as part of the Planning Commission development approval process can be proposed to include a shared center sign. The maximum height and area of the shared center monument sign per the zoning ordinance may be increased by 25%. The street frontage requirements for the sign would be based on the entire street frontage of the development. Developments shall only contain one shared monument sign per street frontage, with a maximum of two shared monument signs. The individual on-site monument signs for the individual lots within the development would be limited in height based on number of lots and property dimensions but the individual property signs shall not exceed 40 sq. ft. in area and 6 ft. in height.
- f. **Town Center Zoning District:** Signs within designated town center area zoning district are under the requirements of the town center zoning district.
- g. **Building Sign and Freestanding Monument Maximum Area and Height:** Per Table 1 Signage Area and Height. The wall sign square footage may be increased by a maximum of twenty-five (25) percent subject to the deletion of a permitted freestanding monument sign on site.

11. **Agricultural District**

Within the Agricultural district, signs authorized in Section 4.085 (Exempt Signs and Temporary signs) do not require a permit. Signs in the agricultural district are required to follow the rules in Section 4.085 and the zoning district.

4.087 Table 1 Signage Area and Height

Building Signs

Commercial/Industrial Zoning Districts	
Wall/Marquee Sign	
Building Sq. ft.	
50,000 (-)	10% of building frontage on which the sign(s) are to be installed.
50,001 - 150,000	7.5 % of building frontage on which the sign(s) are to be installed.
150,001 (+)	5% of building frontage on which the sign(s) are to be installed
Projecting Sign	1 square foot of sign area per 2 linear feet of building frontage on which the sign (s) are to be attached up to a maximum of 12 square feet in area. The top of all projecting signs shall be located below the roofline and a height not greater than 16 feet above the ground. The base of all projecting signs shall no less than 8 feet above the ground. Projecting signs shall not project from the exterior wall of a building more than 4 feet.

Awning / Canopy Sign	1 square foot per 2 linear feet of awning or canopy. No awning or canopy sign shall extend above the top of the awning or canopy
Reader Board	Maximum area on a wall sign shall be 20% of the wall area or 20 sq. ft. in area, whichever is less, of the area of wall/marquee sign (s) and be under the same requirements of the wall/marquee signs. The reader board cannot be above the primary area of the wall/marquee sign.
Gas Pump Sign	Each gas pump shall be permitted a total of 1 square foot of sign area to identify the product dispensed.
Residential Zoning Districts	
Rental Office/Accessory Management	Maximum of 6 sq. ft.

Freestanding Monument Sign

Commercial/Industrial Zoning Districts	
Monument Sign	1 square foot of sign area for each 2 feet of street frontage with a minimum of 40 sq. ft. and a maximum of 65 sq. ft. 1 foot of sign height for each 25 feet of street frontage with a minimum of 6 feet and maximum of 10 ft. A monument sign located on a vacant property shall not exceed (20) twenty sq. feet.
Reader Board	Maximum of 60% of the area of monument sign and reader Board section cannot be above the primary area of sign.
Within 100ft of Residential Zoning District	A monument sign constructed within 100 feet of a residential zoning district shall be limited to 40 square feet and 6 feet in height
Residential Zoning District	
Church, School, Day Care, Other Places of Public Assembly	6 ft. maximum height and 40 sq. ft. maximum sq. ft.

4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

The following regulations are intended to supplement the state regulations by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

A. Mobile Home Park Building Permit

1. The application for a "mobile home park permit" shall be filed with the Building Inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector. The mobile home park building permit may be issued only upon approval of the special exception by the Greenbrier Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the Greenbrier Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

2. Site Plan Required

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of Appeals of a site development plan containing the following information.

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.
- h. The location of park and recreation areas.
- i. A complete drainage plan with contour lines at five (5) foot intervals.
- j. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- k. 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.

- I. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Inspector, The Planning Commission, and the Board of Zoning Appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

3. Inspection Fee

An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

- a. The inspection fee shall be ten dollars (\$10.00) per year, plus two dollars (\$2.00) per space. The fee is nonrefundable.
- b. The inspection fee shall be paid annually upon inspection of the mobile home park by the Building Inspector.

- B. Development Standards

1. General

- a. A mobile home park shall be located only as a special exception within those districts where permitted.
- b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- c. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area or has less than fifteen (15) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.

- c. No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access streets.
- c. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Lot

a. General

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

b. Mobile Home Stands

The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", **May, 1977**.

c. Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Robertson County Health Department and the Board of Zoning Appeals.
- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- d. Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.
- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.
- g. All electrical, telephone and other lines are required to be located underground. Each mobile home park will be required to have street lights on all internal streets.

7. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b. Pavement Widths

Pavement widths shall be as follows:

Collector Street with No Parking with on-Street Parking	20 Feet 36 feet
Minor Street with No Parking with on-Street Parking	18 feet 34 feet
One-Way Minor Street with No Parking with on-Street Parking	12 feet 28 feet

c. Construction

The internal streets and drives shall be paved in accordance with city road standards.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

9. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than twenty-five (25) feet in width, except that a minimum buffer area from any public street shall be no less than thirty (30) feet.

Within the landscaped buffer, a continuous fence six to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a

height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park and must be set back from the right-of-way of the public road a minimum of fifteen (15) feet.

11. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

12. Parking

Parking shall be provided in accordance with Section 4.010.

a. Off-Street Parking

Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least, one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

C. Responsibility of Park Management

1. The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home occupant.

- b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.
 - c. The make, model, year, and license number of each mobile home and motor vehicle.
 - d. The date of arrival and of departure of each mobile home.
5. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
 6. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
 7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
 8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
 9. The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

1. The park occupants shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
2. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
3. Skirting, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - **The storage area shall be provided with a base of impervious material.**
 - **Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.**
 - **The storage area shall be enclosed by skirting.**
4. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.

5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
6. All park occupants shall be required to register their pets (dogs and cats) with the park management.
7. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

E. Inspections

1. The Building Inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.
2. The Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

3. Penalties

- a. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
- b. Each day that a violation is permitted to exist shall constitute a separate offense.
- c. Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

F. Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

G. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.

2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

4.100 ALTERNATIVE PROVISIONS FOR LOT SIZE AND THE LOCATION OF OPEN SPACE

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith. These provisions are intended to provide variations in lot size and open space requirements within the residential districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

A. General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. As such, the provisions do not constitute a use, but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit.

A site development plan as provided for in this section is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the Planning Commission may be assured that the general purposes, standards, etc., contained in this section are being met.

B. Site Development Plan Required

1. Contents

A site development plan containing the information required by Section 7.030, shall be prepared and submitted to the Planning Commission for its review and approval along with a sketch plat as required by the Subdivision Regulations.

2. Coordinated Review

Upon receipt of a site development plan and sketch plat containing information as required above, the Planning Commission may:

- a. Concurrently review the site development plan and sketch plat;
- b. Jointly approve, approve with modification, or disapprove these documents; and

- c. In the instance of approval, or approval with modification, transfer the site development plan to the Building Inspector for enforcement.

3. Enforcement

Upon approval of a site development plan, the Building Inspector shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

- C. Development Standards

The following standards and requirements shall apply to all alternative density developments.

1. General Standards for Development

In the interest of promoting the most appropriate economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- a. The protection of the characters, property values, privacy and other characteristics of the surrounding neighborhood;
- b. The provision for surface drainage control, sewage disposal, and water supply, recreation and traffic control; and
- c. The preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

2. Availability of Public Utilities

Generally all public utilities, specifically including water and a central sewage collection and treatment system, as defined by this ordinance, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than twenty thousand (20,000) square feet in area and all septic fields for each dwelling unit shall be located within the area of fee simple ownership of said dwelling unit.

3. Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

- a. From the gross acreage available within the development shall be subtracted: (1) Any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to

the landowner, because of restrictions thereon; (2) Any portion of the site which lies within a floodway district.

- b. The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

4. Minimum Lot Area and Lot Width

No lot of record may be created within the district indicated which has less area than required for the type dwelling indicated.

The following dimensional requirements shall be maintained in all alternative density developments:

	<u>R-A</u>	<u>R-B</u>	<u>R-C</u>	<u>R-D</u>
Minimum Lot Size	15,000	10,000	6,000	4,000
Lot Width at Building Line	100	75	75	60
Front Yard Setback	40	35	30	30
Rear Yard Setback	15	10	10	10
Side Yard Setback	10	10	5	5

5. Yard Requirements

Within any development approved under the provisions of this section, the following yard requirements shall apply:

- a. For units located entirely within the interior of a site no yards as such are required. However, each dwelling unit shall on its own lot have one yard containing not less than fifteen hundred (1,500) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for any accessory building.
- b. In addition to the provisions of Subsection a., above, for units located along the periphery of the site, the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the periphery, excepting any portion of such lots as may involve the use of party walls.

6. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the

coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among zoning districts.

7. Access to Dwellings

Access to each lot shall be in compliance with Section 3.030, of this ordinance.

8. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

D. Open Space Requirements

Any common open space provided within a development this type shall:

1. Quality Use and Improvement of Common Open Space

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
- c. Common open space may, subject to approval by the Planning Commission, shall consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Mandatory Provisions Governing Organization and Operation of Maintenance Association

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the

development plan. The provisions shall included but not be limited to, the following:

- a. The maintenance organization must be established and operational before any homes are sold.
- b. Membership must be mandatory for each home buyer and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

4.110 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

A site development plan specified in ARTICLE VII, Section 7.030, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Storage between the road and street and such fence, screen, or wall for concealment shall be maintained in good condition.

- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Street Parking
As regulated in ARTICLE IV, Section 4.010.
- F. Ingress and Egress
The number of vehicular access driveways permitted on any single street frontage shall be limited to:
1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Greenbrier, except where a more stringent State or Federal law applies.

4.120 DEVELOPMENT STANDARDS FOR CEMETERIES

- A. The following standards shall be imposed upon the development and construction of cemeteries in City of Greenbrier:
1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
 2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
 3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
 4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
 5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

4.130 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS

Standards for Telephone, Telegraph and Communications Transmitter Stations and Towers. All transmitter stations, including towers and operating equipment shall adhere to the following standards:

- A. All towers with a height of one hundred-fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association (“EIA”) Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Greenbrier, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- B. A site plan in compliance with ARTICLE III, Section 3.120 and ARTICLE VII, Section 7.030, shall be approved by the Planning Commission prior to the issuance of a building permit.
- C. All towers shall be set back from all property lines by a distance that is equal to:
 - 1. for a guyed tower, twenty (20) percent of the height, and
 - 2. for self-supporting tower, fifty (50) percent of the height.
- D. All applications for permits to build towers in Greenbrier must be accompanied with a “Determination of No Hazard” from the Federal Aviation Administration, as well as required Federal Communications Commission permit information.
- E. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
- F. Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening, and it shall be of such plant material as will provide a year evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
- G. All towers that require marking of lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light, unless required by the Federal Aviation Administration.

4.140 TREE PLANTING AND PROTECTION (Added by Ordinance No. 00-01, April 3, 2000. Deleted by Ordinance No. 17-24, December 12, 2017)

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of District
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Agricultural and Residential District Regulations
- 5.050 Commercial District Regulations
- 5.060 Industrial District Regulations
- 5.070 Flood District Regulations (**Added by Ordinance No. 10-06, June 7, 2010**)

5.010 CLASSIFICATION OF DISTRICT (Amended by Ordinance No. 95-02, February 6, 1995)

For the purpose of this ordinance, the following zoning districts are hereby established in Greenbrier, Tennessee:

Agricultural and Residential Districts

- A Agricultural Districts**
- RA Low Density Residential Districts**
- RB Medium Density Residential Districts**
- RC High Density Residential Districts**
- RD Mobile Home Park Districts**

Commercial Districts (Amended by Ordinance No. 98-18, May 3, 1999)

- CA Town Center Commercial Districts**
- CB Highway Commercial Districts**
- CC General Commercial Districts**

Industrial Districts

- IA Restrictive Industrial Districts**
- IB General industrial Districts**

5.020 ZONING MAP (Amended by Adding April 7, 1997, by Ordinance No. 97-15, April 7, 1997)

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled, "Zoning Map of Greenbrier, Tennessee", dated, **April 7, 1997**. The zoning map and any amendments thereto shall be dated with the date of the ordinance of adoption. Certified prints of the adopted zoning map and zoning map amendments shall be maintained the office of the Greenbrier Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

Unless, otherwise, indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the city boundary lines as they exist at the date of the enactment of the zoning ordinance. Questions concerning the exact location of district boundaries shall be determined by the Greenbrier Board of Zoning Appeals

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

5.040 AGRICULTURAL AND RESIDENTIAL DISTRICT REGULATIONS (Amended Entire Section 5.040, by Ordinance No. 98-05, August 10, 1998)

The following regulations shall apply in the agricultural and residential zoning districts established in Section 5.040, of this ordinance.

5.041 Agricultural District

A. District Description

These districts are designed to provide suitable areas for the growing of crops, animal husbandry dairying, forestry, and other similar activities, which generally occur and characterize the more rural areas. These districts are designed; furthermore, to provide for very low density residential development generally on large lots or extensive tracts of land whereon public sanitary sewerage is not currently available.

These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments or influences which are incompatible with a rural environment.

B. Uses Permitted

In the A, Agricultural District, the following uses and their accessory uses as described in ARTICLE II, Section 2.030, are permitted by right:

Agricultural Activities

**Crop and Animal Raising
Plant and Forest Nurseries**

Community Facility Activities

Essential Services

Residential Activities

**One-Family Dwelling
Duplex Dwelling**

C. **Accessory Uses and Structures**

1. Private garages and sheds
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. **Uses Permitted as Special Exceptions**

In the A, Agricultural District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080; provided further that the site development plans shall be reviewed and approved by the Planning Commission in accordance with Section 7.030.

Agricultural Activities

Agricultural Services

Community Facilities

**Community Assembly
Community Education
Cultural and Recreational
Intermediate Impact
Personal and Group Care
Religious Facilities**

Commercial Activities

**Animal Care
Group Assembly**

E. **Uses Prohibited**

Any use not permitted by right or by special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the A, Agricultural District, shall comply with the following requirements:

1. Minimum Lot Size

Area	80,000 sq. ft.
Minimum Lot Area per Dwelling Unit	80,000 sq. ft.
Minimum Lot Width at Building Setback	200 ft.

2. Minimum Yard Requirements

Front Setback	75 ft.
Side	30 ft.
Rear	40 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed fifteen (15) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Accessory Uses

- a. With the exception of signs, structures may not be built in the front yard, unless approved by the planning and zoning board. **Amended by Ordinance No. 18-11, October 1, 2018**
- b. Accessory structures shall be located at least equal or greater than the front setback plus ten (10) feet five (5) feet from any side lot line, from any rear lot line, and from any building on the same lot. **Amended by Ordinance No. 99-03, March 1, 1999, Amended by Ordinance No. 18-11, October 1, 2018**

G. In the A (Agricultural) District the allowance will be (1) parcel for every 30 feet of road frontage with a lot size of five (5) acres or greater are permitted provided they meet the following conditions:

1. All lots must meet the minimum setback requirements for an A (Agricultural) lot as set forth in section 5.041 of this ordinance.
2. Provide a thirty- (30) foot ingress-egress easement for these lots and construct a twenty- (20) foot double bituminous drive to each lot for

access. All portions of this easement shall be constructed with the capacity to support all emergency vehicles and have turnaround every 1,000 feet with a minimum forty (40) foot radius. The road shall be constructed with a fifty (50) foot right-of-way.

3. All private roads shall provide adequate drainage along the roadway and have all ditches stabilized to the requirements established in the Subdivision Regulations.
4. Install a minimum fifteen- (15) inch culvert with headwalls in the ditch where the drive intersects with the public road. In cases where a larger culvert is needed, the city engineer will determine the size of pipe.
5. Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants shall also contain the provisions and requirements by which the owners may petition the city to accept the private road as a public road. The City of Greenbrier will not own or maintain private roads.
6. Provide a statement on the recorded plat and covenants stating that the owners of the private road are required to obtain the required right-of-way and bring the road up to current road standards for a residential road as set forth in the City of Greenbrier Subdivision Regulations before petitioning the City to accept it as a public street.
7. All private roads are required to be a minimum of two hundred (200) feet apart on minor and collector streets and four hundred (400) feet apart on arterial roads.
8. All large lot subdivisions established under this provision of the ordinance are required to meet the standards established in the City of Greenbrier Subdivision Regulations for plat approval and be approved by the Planning Commission.
9. Such development will have to follow the City of Greenbrier Subdivision rules and Regulations, except for the private road.
(Section G, added by Ordinance 17-10, June 5, 2017)

5.042 RA, Low Density Residential District

A. District Description

These districts are designed to provide suitable areas for low density residential development characteristics by an open appearance. Generally, these districts will be characterized by single-family detached dwellings and accessory structures. These districts also include community facilities, public utilities and open uses which serve specifically the residents of these districts or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential development.

Further, it is the intent of this ordinance that these districts be located so that the provision of appropriate public services will be physically and economically facilitated, and so that provision is made for the orderly expansion and maintenance of urban residential development within Greenbrier.

It is express purpose to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except special exceptions and home occupations shall be considered as not having such they, otherwise, conform to the provisions of this ordinance.

B. Uses Permitted

In the RA, Low Density Residential District, the following uses and their accessory uses described in Section 2.030, are permitted by right:

Community Facility Activities

Essential Services

Residential Activities

Single-Family Detached Dwelling

C. Accessory Uses and Structures

1. Private garages and sheds
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the RA, Low Density Residential, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080; provided further that the site development plans shall be reviewed and approved by the planning commission in accordance with Section 7.030.

Community Facilities

Bed and Breakfast Home Residences

Community Education

Cultural and Recreational

Health Care

Intermediate Impact

Personal and Group Care

Religious Facilities

E. Uses Prohibited

Any use not permitted by right or by special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the RA, Low Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

Without Public Sewer	30,000 sq. ft.
With Public Sewer	22,000 sq. ft.
Lot Width at Building Setback	125 ft.

2. Minimum Yard Requirements

Front Setback	40 ft.
Side	20 ft.
Rear	30 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed fifteen (15) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Accessory Uses

a. With the exception of signs, accessory structures may be built in the front yard, if approved by the planning and zoning board and the property is over 2 acres. **(Amended by Ordinance No. 18-11, October 1, 2018)**

b. Accessory structures shall be located at least equal or greater than the front setback plus ten (10) feet and five (5) feet from any side lot line, from any rear lot line, and from any building on the same lot. **(Amended by Ordinance No. 99-03, March 1, 1999, Ordinance No. 18-11, October 1, 2018)**

7. Landscaping

The front yard, excluding necessary paved driveways, shall be landscaped and not used for automobile storage.

5.043 RB, Medium Density Residential District

- A. These districts are designed to provide suitable areas for medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically located. Generally, these districts will be characterized by single-family detached dwellings and accessory structures. These districts also include community facilities, public utilities, and open uses which serve specifically the residents of these districts or which are benefited by and compatible with a residential environment.

It is the express purpose to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they, otherwise, conform to the provisions of this ordinance.

- B. Uses Permitted

In the RB, Medium Density Residential District, the following uses and their accessory uses as described in Section 2.030, are permitted by right:

Community Facility Activities

Essential Services

Residential Activities

One-Family Dwelling

- C. Accessory Uses and Structures

1. Private garages and sheds
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

- D. Uses Permitted as Special Exceptions

In the RB, Medium Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080; provided further that the site development plans shall be reviewed

and approved by the planning commission in accordance with Section 7.030.

Community Facilities

- Bed and Breakfast Home Residence**
- Community Education**
- Cultural and Recreational**
- Health Care**
- Intermediate Impact**
- Personal and Group Care**
- Religious Facilities**

E. Uses Prohibited

Any use not permitted by right or by special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the RB, Medium Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

Area	15,000 sq. ft.
Lot Width at Building Setback	100 ft.

2. Minimum Yard Requirements

Front Setback	35 ft.
Side	15 ft.
Rear	20 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed thirty (30) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structures shall exceed two (2) stories in height.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Accessory Uses

- a. With the exception of signs, accessory structures shall not be erected in any front yard, as regulated.

- b. Accessory structures shall be located at least five (5) feet from any side lot line, from any rear lot line, and from any building on the same lot. **(Amended by Ordinance No. 99-03, March 1, 1999)**

7. Landscaping

The front yard, excluding necessary paved driveways, shall be landscaped and not used for automobile storage.

5.044 RC, High Density Residential District

- A. These districts are designed to provide suitable areas for high density residential development where sufficient urban services and facilities are available or where such will be available prior to development. Generally, these districts will be characterized by single-family detached dwellings and accessory structures. However, it is the intent of this ordinance that other dwelling types will be permitted provided that they are developed with sufficient open space on the same lot. These districts are intended also to permit community facilities and public utility installations which are necessary to serve specifically the residents of these districts or which are benefited by and compatible with a residential environment.

It is the express purpose to exclude from these districts all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they, otherwise conform to the provisions of this ordinance.

- B. Uses Permitted

In the RC, High Density Residential District, the following uses and their accessory uses as described in Section 2.030, are permitted by right:

Community Facilities Activities

Essential Services

Residential Activities

One-Family Dwelling

Duplex Dwelling

Mobile Home Dwelling

Multi-Family Dwellings (Subject to the Provisions of Section 4.070.)

- C. Accessory Uses and Structures

- 1. Private garages and sheds
- 2. Outdoor recreational facilities exclusively for the use of the residents.

3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the RC, High Density Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080, provided further that the site development plans shall be reviewed and approved by the planning commission in accordance with Section 7.030.

Community Facilities

- Bed and Breakfast Home Residences**
- Community Education**
- Cultural and Recreational**
- Health Care**
- Intermediate Impact**
- Personal and Group Care**
- Religious Facilities**

E. Uses Prohibited

Any use not permitted by right or by special exception is strictly prohibited in the RC, High Density Residential District.

F. Dimensional Requirements

All uses permitted in the RC, High Density Residential District, shall comply with the following requirements:

1. Minimum Lot Size

Area	10,000	sq. ft.
Minimum Lot Area per Dwelling Unit	10,000	sq. ft.
Lot Width at Building Setback	80	ft.

2. Minimum Yard Requirements

Front Setback	30	ft.
Side	12.5	ft.
Rear	20	ft.
Minimum Distance Between Buildings	20	ft.*

***A Greater Building Setback May Be Required by Building Codes.**

3. Maximum Lot Coverage

On any lot, the area occupied by all structures shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height. No accessory structure shall exceed two (2) stories in height.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Accessory Uses

a. With the exception of signs, accessory structures shall not be erected in any front yard, as denied.

b. Accessory structures shall be located at least five (5) feet from any side lot line, from any rear lot line, and from any building on the same lot. **(Amended by Ordinance No. 99-03, March 1, 1999)**

7. Landscaping

For one and two-family dwellings, the front yard, excluding necessary paved driveways shall be landscaped and not used for automobile storage. For other residential buildings, landscaping shall be incorporated into permitted parking areas, and a buffer strip shall be established along all yards that abut lower density residential districts.

In all multi-family residential developments, solid waste storage areas shall be screened from public view by a brick, stone or wood fence and maintained in such a manner as to meet Robertson County Public Health requirements. **(Paragraph Added by Ordinance No. 00-07, November 13, 2000)**

5.045 RD, Multi-Family Residential District

A. District Description

To provide maximum flexibility in design and to ensure a minimum standard of site development for mobile home parks where complete urban facilities, specifically public water and sewer, are available or where such facilities will be available prior to development. This district will be characterized by mobile home parks containing both single-wide units and double-wide units. This district will also include community facilities and public utility installations which will serve the residents of the district. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development.

B. Uses Permitted

In the RD, Multi-Family Residential District, the following uses and their accessory uses as described in Section 2.030, are permitted by right:

Community Facility Activities

Essential Services

Residential Activities

Duplex Dwellings

Mobile Home Parks (Subject to the Provisions of Section 4.090.)

Multi-Family Dwellings (Subject to the Provisions of Section 4.070.)

C. Accessory Uses and Structures

1. Private garages and sheds
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Section 4.080.
4. Home occupations as defined by and subject to the provisions of Section 4.040.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the RD, Multi-Family Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080, provided further that the site development plans shall be reviewed and approved by the planning commission in accordance with Section 7.030.

Community Facilities

Community Education

Cultural and Recreational

Health Care

Intermediate Impact

Personal and Group Care

Religious Facilities

E. Uses Prohibited

Any use not permitted by right, by accessory use or by special exception is strictly prohibited in the RD, Multi-Family Residential District.

F. Dimensional Requirements

All uses permitted in the RD, Multi-Family Residential District, shall comply with the following requirements.

1. Minimum Lot Size:

Duplex Dwellings	12,000 sq. ft.
Multi-Family Dwellings	3 acres
Mobile Home Parks	3 acres

Area per Dwelling Unit

Duplex Dwellings	6,000 sq. ft.
Multi-Family Dwellings	5,000 sq. ft.
Mobile Home Parks	5,000 sq. ft.

Lot Width at Building Setback

Duplex Dwellings	80 ft.
Multi-Family Dwelling	300 ft.
Mobile Home Parks	300 ft.

2. Minimum Yard Requirements

Duplex Dwellings

Front Yard Setback	30 ft.
Side	15 ft.
Rear	20 ft.

Multi-Family Dwellings

Front Yard Setback	75 ft.
Side	30 ft.
Rear	40 ft.

Mobile Home Parks

Front Yard Setback	75 ft.
Side	30 ft.
Rear	40 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

4. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 6.040.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Accessory Structures

- a. With the exception of signs and fences, accessory structures shall not be erected in any required front yard,
- b. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

7. Landscaping

Each site shall be developed with a minimum of twenty (20) percent landscaped. A landscaped strip fifteen (15) feet in width shall be maintained along all property lines, with the remainder of the required landscaping distributed through out the parking area.

In all multi-family residential developments, solid waste storage areas shall be screened from public view by a brick, stone or wood fence and maintained in such a manner as to meet Robertson County Public Health requirements. **(Paragraph Added by Ordinance No. 00-07, November 13, 2000)**

5.047 REPUDM, Medium Density Planned Unit Development

5.047.1 GENERAL STANDARDS

5.047.2 ADMINISTRATIVE PROCEDURE

5.047.3 EXCEPTIONS FROM DISTRICT STANDARDS

5.047.4 BOARD OF MAYOR AND ALDERMAN ACTION

5.047.5 MINIMUM REQUIREMENTS FOR REVIEWING

5.047.6 MINIMUM SIZE

5.047.7 DIMENSIONAL REQUIREMENTS

5.047.8 FINAL DEVELOPMENT PLAN

5.047.9 CHANGES TO PLANNED DEVELOPMENTS

5.047.10 REVOCATION

5.047.11 CONDITIONS AND GUARANTEES

5.047.12 PERMITS THAT ARE REQUIRED

5.047.13 BOND

5.047.14 ISSUANCE OF PERMITS

5.047.15 ENFORCEMENT OF PLANNED DEVELOPMENTS

5.047.1 General Standards

1. No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements is submitted. Such application shall indicate that the services of one (1) or more design professionals were utilized in the

preparation of the plan. In the review and approval of a master plan the Greenbrier planning and zoning; and the Design Review Committee is authorized to exercise architectural review of the buildings in order to assure quality of development, compatibility within the community and compatibility with the adjacent and neighborhood properties. Deviations from the approved master plan shall be considered to be violations of the zoning ordinance and shall be punishable as provided by law. Final certificates of occupancy may be withheld pending correction of the violations.

2. The site of the planned development shall be under common ownership and or unified control. If there are two (2) or more owners, the application for the planned development shall be jointly filed by all such owners.

3. Planned developments shall be compatible with the purpose and intent of this Ordinance and the City's Land Use and Transportation Plan. A planned development shall not, in the opinion of the City, substantially diminish the market value of surrounding properties, and it shall cause no substantial impairment of the use of those properties.

4. Planned developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.

5. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required. A traffic study may be required.

6. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic. Access points to public streets, and the location of private streets, alleys and driveways shall be subject to the approval of the Planning Commission.

9. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.

10. All planned developments shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices which are similar to a grass lawn. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the City.

5.047.2 Administrative Procedure

(A) Steps of Approval Process

1. The applicant may request a pre-application meeting with city staff to evaluate the proposal, determine, and clarify any issues that may arise.

2. The applicant shall submit a preliminary master plan and rezoning request to the planning director for Greenbrier Planning and Zoning Commission for consideration along with the required fees.

3. Procedural Requirements

The procedure for approval of the Planned Development shall be:

- A. The Planning Commission shall recommend to the board of mayor and alderman for the approval of the planned development and for review of the Preliminary Development Plan, no more than sixty (60) days after receipt of a complete application. If, in the Planning Commission's judgment, the application does not contain sufficient information to enable the Commission to properly discharge its responsibilities, the Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information. No planned development may be approved unless the Preliminary Development Plan is also approved.
- B. The Planning Commission shall determine if the planned development is or is not in the public interest based on the following:
 - I. Is the site or zoning lot upon which the planned development is to be located adaptable to the unified development proposed?
 - II. Will the proposed planned development be detrimental to or endanger the public health, safety, comfort or general welfare of any portion of the community?
 - III. Will the proposed planned development be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted?
 - IV. Will the proposed planned development diminish or impair property values within the neighborhood?
 - V. Will the proposed planned development impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?
 - VI. Is there provision for adequate utilities, drainage, off street parking and loading, pedestrian access and all other necessary facilities?
 - VII. Is there provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets?

VIII. Are the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, compatible with the surrounding neighborhood and adjacent land uses?

IX. Is there suitable landscaping for the portions of the proposed planned development which are not to be used for structures, parking and loading areas or access ways?

X. Is the planned development, in the specific location proposed consistent with the spirit and intent of this Ordinance and the Land Use and Transportation Plan?

C. Following the planning and zoning meeting or within forty-five (45) days of the close of the planning and zoning meeting, the Planning Commission shall take one of the following actions:

I. Advise the applicant in writing of any recommended changes, additions or corrections to the Preliminary Development Plan. If such advice is given, the applicant may, within thirty (30) days, submit a revised Preliminary Development Plan for Planning Commission consideration at a new public hearing. The applicant may do so without paying an additional filing fee. The Planning Commission shall then recommend approval or denial of the Planned Development and submit its written recommendation to the Board of Mayor and Aldermen; or

II. Recommend denial of the application for the planned development. The Commission shall set forth, in writing, the reasons for its decision; or

III. Recommend approval of the planned development (including the Preliminary Development Plan) and submit its written recommendation to the Board of Mayor and Aldermen.

4. After approval of the preliminary plan and amendment of the zoning map, preparation of the final master plan may begin.

5. Within one (1) year after approval of the preliminary master plan, the applicant shall submit a final master plan to the Planning Director for Greenbrier Municipal/Regional Planning Commission for consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD. After approval of the final master plan, the applicant shall have recorded an official copy of said plan.

6. Prior to the sale or transfer of any property, the applicant shall submit and have approved and recorded a final subdivision plat.

7. Both the preliminary and final master plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g. site layout and drainage by civil engineers, boundary surveys by surveyors, landscape plans by landscape architects).

8. If the application is incomplete, the planning director shall hold in abeyance the formal review by the Greenbrier Planning and Zoning Commission until such time as complete information is submitted.

5.047.3 Exceptions from District Standards

- A. Within Planned Developments, the Planning Commission may recommend, and the Board of Mayor and Aldermen may grant, exceptions to the district lot and building bulk standards. The planned development is subject to the underlying district regulations unless such exception is granted. Such exceptions from district regulations may be granted for planned developments if the Board of Mayor and Aldermen finds that allowing such exceptions:
1. Enhances the overall merit of the planned development.
 2. Promotes the objectives of both the City and the development.
 3. Enhances the quality of the design of the structures and the site.
 4. Enables the development to offer environmental and pedestrian amenities.
 5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
 6. Is compatible with the land use policies of the City's Land Use and Transportation Plan.
 7. Provides a public benefit to the City.
- B. The planned development may allow all uses allowed in the underlying district. However, the City may determine that the uses should be further restricted by not allowing certain uses which are otherwise allowed in the underlying district and which would not be compatible with the intended character of the planned development.
- C. The underlying zoning district requirements shall apply, unless an exception is granted as allowed by part of the approved planned development. Said exceptions may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic. To be granted such exceptions, the

planned development applicant must demonstrate superior design and enhanced amenities. In no case, shall an exception to district regulations within a planned development be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination shall include, but are not limited to the following:

1. Landscaping, buffering or screening within or around the perimeter of the planned development that is in addition to the minimum required by this Ordinance.
2. The provision of additional landscaping and screening of parking lots and structures in addition to the minimum required by this Ordinance.
3. Reduced use of impervious surface materials, including use of semi-pervious materials such as grass-crete.
4. Design characteristics including, but not limited to, mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment.
5. Use of sustainable design and green architecture such as: green roofs and other energy efficient design concepts; water conservation; environmental sensitivity; new building technologies; Leadership in Energy and Environmental Design (LEED) techniques; and xeriscaping (water conservation landscaping).
6. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
7. Preservation of environmental features.
8. Preservation of historic features.
9. Recreational amenities such as:
 - a. Swimming pools
 - b. Outdoor rooms, arbors, gazebos, seating areas and other hardscape
 - c. Clubhouse with meeting and fitness facilities
 - d. Jogging trails and fitness courses
 - e. Playgrounds

f. Lakes, natural water features, wetlands and conservation areas

g. Retention ponds and detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as natural water features and are landscaped with native vegetation

10. Additional public infrastructure improvements in addition to the minimum required by this ordinance, such as ornamental street lights, street name signs, stop signs and mailboxes.

11. Provision of sign standards which exceed the minimum required by this Ordinance.

12. Provision of a Design Guide with design standards which exceed the minimum required by this Ordinance. For residential planned developments, the developer is encouraged to provide elevations of the homes which are to be built.

13. Restrictive covenants which prohibit, limit or provide standards for utility buildings, fences and similar structures.

D. All storm water detention and retention areas shall be constructed and maintained.

E. Common open space, as shown on the approved Planned Development Final Master Plan, shall be shown as common open space on all subdivision plats and site plans required by this ordinance and other laws and approved by the City. For example, if the Master Plan for a residential development includes open space with a gazebo in phase 3, said open and gazebo shall be shown on the phase 3 plat. Adequate surety shall be provided prior to recording the phase 3 plat to cover the cost of the gazebo.

Adequate provision shall be made for the establishment of an association such as a homeowner's association, property owners association, business owners association, community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the ownership, operation and maintenance of all common open space and amenities, including any private streets and sidewalks. The applicant shall submit a legal instrument, such as a declaration of covenants and restrictions, establishing provisions for the use and permanent maintenance of the common areas and amenities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purposes. The provisions of this instrument shall include, but not be limited to, the following:

1. The association must be established and operational before any property is sold
2. Membership must be mandatory for each property owner and must run with the land so that any successive purchaser will automatically become a member.

3. The restrictions covering the use, etc. of the common areas must be permanent, not just for a period of years.
4. The association must be responsible for liability insurance, taxes and the maintenance of the common areas and amenities.
5. Property owners must pay their pro rata share of the cost assessed by the association and said assessment can become a lien on the property for failure to pay.
6. The association must be able to adjust the assessment of fees to meet changing needs.

5.047.4 Board of Mayor and Aldermen Action.

The Board of Mayor and Aldermen, after receipt of the recommendations from the Planning Commission, shall approve, modify or deny the Planned Development within sixty (60) days following the receipt of the written recommendations of the Planning Commission. However, the Board of Mayor and Aldermen may, by motion, extend the sixty (60) day period. The Board of Mayor and Aldermen action shall be according to the procedure for a zoning map amendment (rezoning), which may include a recommendation from the General Committee, a public hearing advertised in accordance with state law and passage of an ordinance on two (2) readings at two (2) separate board meetings.

5.047.5 Minimum Requirements for Reviewing

Every application for a planned development and review of the Preliminary Development Plan shall contain the following:

1. A plat of the survey of the parcel or parcels of land comprising the zoning lot. The plat shall be drawn to scale showing the actual dimensions of the zoning lot, including all parcels or lots within the zoning lot. The plat shall be drawn in accordance with the recorded plat of such land, if such exists.
2. Proof of ownership.
3. A site location map drawn to an appropriate scale showing the streets and all property uses located within three hundred (300) feet in all directions of the development site. The map shall indicate the location, height or number of stories and use of all existing buildings and structures on properties immediately adjacent to the development site and within three hundred (300) feet.
4. A preliminary plan stamped by a design professional and drawn to an appropriate scale showing:
 - I. The location, ground area, height, and bulk of all existing and proposed buildings and structures within the planned development.

- II. The use or uses to be made of such existing and proposed buildings and structures.
 - III. Minimum building setback/yard requirements.
 - IV. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
 - V. The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public use.
5. Typical building elevations and schematic design presentations indicating the general architectural character of all proposed buildings and structures. The drawings need not be the result of final architectural decisions and need not be in detail.
6. A traffic circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from adjacent streets. The plan shall address the impact of the proposed planned development upon existing traffic patterns. Such plan shall also include an examination of the adequacy of onsite parking facilities, vehicular circulation patterns and pedestrian access and safety. A traffic study may also be required by the City Engineer or the Planning Commission for developments which generate more than five hundred (500) trips per day.
7. A drainage plan indicating the manner in which surface drainage will be controlled and managed.
8. A utilities study prepared by a qualified professional indicating the adequacy of the utility systems serving the proposed planned development, including water distribution lines, sanitary sewers, storm water drainage facilities and electricity.
9. A preliminary landscape plan prepared by a qualified professional indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. The landscape plan need not be the result of final decisions and need not be in detail.
10. A separate schedule setting forth any proposed exceptions to any City regulations. The schedule shall include, but not necessarily be limited to, the regulations governing density, area, bulk, and off street parking and loading as they apply to the zoning district or districts within which the planned development is to be located. This schedule shall cite by Section number each and every regulation from which an exception is sought.
11. A rough draft of covenants and restrictions outlining minimum house size, building materials, restrictions on fencing, accessory buildings and the like.

12. Such other documentation as the Planning Commission may, by general rule, require.

5.047.6 Minimum Size

The minimum size of a residential planned development shall be five (5) acres.

5.047.7 Dimensional Requirements

The maximum overall density shall be 3.0 dwelling units per acre. The minimum lot size shall be established by the preliminary master plan based on the purpose and characteristics of the PUD and the area in which it is proposed to be located. The minimum yard and open space requirements shall be as follows:

Maximum Density	3/acre
Maximum Floor Area Ratio	.20
Minimum Open Space	7.0 %
Maximum Building Height	35 Feet

Setbacks

Front	25 Feet
Side	5 Feet
Rear	15 Feet

5.047.8 Final Development Plan

1. Final Development Plan Procedure

Within three (3) years following the approval of the planned development and Preliminary Development Plan, the applicant shall file with the Planning Department for review by the Planning Commission a Final Development Plan or the applicant may submit a letter to the Planning Department to be presented to the Planning Commission to request a one (1) year extension of the approval of the Preliminary Development Plan. Such one (1) year extension request may be repeated for multiple years as long as the Planning Commission approves the request. Failure to apply for an extension does not void the planned development. However, the Planning Commission may recommend to the Board of Mayor and Aldermen the revocation of the planned development and Board of Mayor and Aldermen may revoke. If the planned development is to be developed in phases, the applicant need only file a Final Development Plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The Final Development Plan for the remaining phases shall be filed in accordance with the development and construction schedule.

The owner may request revocation. Revocation, regardless of who initiates, shall be according to the process for a map amendment. The Board of Mayor and Aldermen may elect to revoke the master plan and leave the base zoning as is, or, if the original action to

approve the master plan included rezoning, the Board of Mayor and Aldermen may elect to return the zoning to the original classification.

Every Final Development Plan shall contain the following information and documentation:

A. In final form, all of the information required for the Preliminary Development Plan.

B. A final plan stamped by a design professional and drawn to an appropriate scale which includes the following information:

I. Final designation of the location, ground area, height and bulk of all existing and proposed buildings and structures within the planned development.

II. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units and the residential density.

III. The use or uses to be made of existing and proposed buildings or structures.

IV. The minimum building setbacks/yard requirements.

V. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.

VI. The location, dimensions and details of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, amenities, places of worship, school sites, public buildings or for any other public or quasi-public use.

C. Adequate provision shall be made for the establishment of an association such as a homeowner's association, property owners association, business owners association, community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the ownership, operation and maintenance of all common open space and amenities, including any private streets and sidewalks. The applicant shall submit a legal instrument, such as a declaration of covenants and restrictions, establishing provisions for the use and permanent maintenance of the common areas and amenities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purposes. The provisions of this instrument shall include, but not be limited to, the following:

1. The association must be established and operational before any property is sold

2. Membership must be mandatory for each property owner and must run with the land so that any successive purchaser will automatically become a member.

3. The restrictions covering the use, etc. of the common areas must be permanent,

not just for a period of years.

4. The association must be responsible for liability insurance, taxes and the maintenance of the common areas and amenities.
 5. Property owners must pay their pro rata share of the cost assessed by the association and said assessment can become a lien on the property for failure to pay.
 6. The association must be able to adjust the assessment of fees to meet changing needs.
- D. In the event that the association, or any successor, shall at any time fail to maintain the common areas and amenities in reasonable order and condition in accordance with the master plan, the Planning Department may serve written notice upon such association and/or the owners and hold a public hearing. After thirty days when deficiencies or maintenance are not corrected, the Planning Department shall call upon any public or private agency to maintain the common areas and amenities for a period of one year. When the Planning Department determines that the association is not prepared to maintain the common areas and amenities, such agency shall continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the development. Said cost shall become a lien on said properties.
- E. A landscaping plan prepared by a qualified professional indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. Also, include the location, height, design and illumination characteristics of all external lighting fixtures within the development.
- F. A final utilities and drainage plan indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned development and the manner in which surface drainage will be controlled and managed.
- G. Typical building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures.
- H. A development and construction schedule indicating the following:
- I. The date when construction of the planned development will begin or, if developed in phases, the date when construction of the initial phase will begin.
 - II. If the planned development is to be developed in phases, a map indicating the phases in which the planned development will be built, the dates when the Final Development Plans for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.

III. The date when construction of the planned development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.

2. Action

The Final Development Plan shall be reviewed, and, if appropriate, approved as follows:

a. Review by the Planning Department

The Final Development Plan shall be in substantial compliance with the approved Preliminary Development Plan. Specifically:

- I. The number of residences shall not increase by more than 5%.
- II. The square feet of non-residential building area (all floors) shall not increase by more than 10%.
- III. Other lot and building bulk standards shall not be made less restrictive.
- IV. Dwelling types, including the mix of dwelling types, shall be substantially the same.
- V. Land uses (permitted uses) shall be substantially the same.
- VI. The street system shall be substantially the same.
- VII. Grading and infrastructure shall be substantially the same or better.
- VIII. Open space, amenities and overall quality shall be substantially the same or better.
- IX. The phasing plan and schedule shall be substantially the same.

5.047.9 CHANGES TO PLANNED DEVELOPMENTS

Changes to an approved Preliminary or Final Development Plan which exceed the changes shall require re-approval by the Planning Commission and the Board of Mayor and Aldermen as an amended plan following the same procedure as for an original Preliminary or Final Development Plan approval.

5.047.10 REVOCATION

If construction work on the proposed planned development has not begun within five (5) years from the date of the Board of Mayor and Aldermen's vote to approve the Preliminary Development Plan, the approval of the planned development may be declared null and void and all rights shall lapse.

5.047.11 CONDITIONS AND GUARANTEES

Prior to granting approval of any planned development, the Planning Commission may recommend, and the Board of Mayor and Aldermen may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned development as deemed necessary to guarantee performance of all conditions.

5.047.12 PERMITS THAT ARE REQUIRED

All permits related to the project shall be received by the City of Greenbrier Building and Codes department before completion of project.

5.047.13 BOND

A bond will be required by the city for the duration of the project. Once adopted by the Mayor and Alderman board there will be a one (1) year maintenance bond that will be required.

5.047.14 ISSUANCE OF BUILDING PERMIT

Building permits may only be issued if the construction work in question is in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.

5.047.15 ENFORCEMENT OF PLANNED DEVELOPMENT

The Planning Department shall periodically review all permits issued for the planned development in conjunction with the construction that has taken place on the planned development site, and compare actual development with the approved development and construction schedule, and require any corrective action necessary to assure compliance with the approved Final Development Plan and this ordinance.

5.048 REPUDH, High Density Planned Unit Development (Added by Ordinance No. 17-11, July 10, 2017)

- 5.048.1 GENERAL STANDARDS**
- 5.048.2 ADMINISTRATIVE PROCEDURE**
- 5.048.3 BOARD OF MAYOR AND ALDERMAN ACTION**
- 5.048.4 MINIMUM REQUIREMENTS FOR REVIEWING**
- 5.048.5 MINIMUM SIZE**
- 5.048.6 DIMENSIONAL REQUIREMENTS**
- 5.048.7 FINAL DEVELOPMENT PLAN**
- 5.048.8 CHANGES TO PLANNED DEVELOPMENTS**
- 5.048.9 REVOCATION**
- 5.048.10 CONDITIONS AND GUARANTEES**
- 5.048.11 PERMITS THAT ARE REQUIRED**
- 5.048.12 BOND**
- 5.048.13 ISSUANCE OF PERMITS**
- 5.048.14 ENFORCEMENT OF PLANNED DEVELOPMENTS**

5.048.1 GENERAL STANDARDS

1. No application for a Planned Unit Development (PUD) District shall be considered unless a master plan meeting the requirements is submitted. Such application shall indicate that the services of one (1) or more design professionals were utilized in the preparation of the plan. In the review and approval of a master plan the Greenbrier planning and zoning; and the Design Review Committee is authorized to exercise architectural review of the buildings in order to assure quality of development, compatibility within the community and compatibility with the adjacent and neighborhood properties. Deviations from the approved master plan shall be considered to be violations of the zoning ordinance and shall be punishable as provided by law. Final certificates of occupancy may be withheld pending correction of the violations.
2. The site of the planned development shall be under common ownership and or unified control. If there are two (2) or more owners, the application for the planned development shall be jointly filed by all such owners.
3. Planned developments shall be compatible with the purpose and intent of this Ordinance and the City's Land Use and Transportation Plan. A planned development shall not, in the opinion of the City, substantially diminish the market value of surrounding properties, and it shall cause no substantial impairment of the use of those properties.
4. Planned developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.

5. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required. A traffic study may be required.
6. All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic. Access points to public streets, and the location of private streets, alleys and driveways shall be subject to the approval of the Planning Commission.
9. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.
10. All planned developments shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices which are similar to a grass lawn. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the City.

5.048.2 ADMINISTRATIVE PROCEDURE

(A) Steps of Approval Process

1. The applicant may request a pre-application meeting with city staff to evaluate the proposal, determine, and clarify any issues that may arise.
2. The applicant shall submit a preliminary master plan and rezoning request to the planning director for Greenbrier Planning and Zoning Commission for consideration along with the required fees.
3. Procedural Requirements

The procedure for approval of the Planned Development shall be:

- D. The Planning Commission shall recommend to the board of mayor and alderman for the approval of the planned development and for review of the Preliminary Development Plan, no more than sixty (60) days after receipt of a complete application. If, in the Planning Commission's judgment, the application does not contain sufficient information to enable the Commission to properly discharge its responsibilities, the Commission may request additional information from the applicant. In that event, the sixty (60) day period shall be suspended pending receipt of all requested information. No planned development may be approved unless the Preliminary Development Plan is also approved.

E. The Planning Commission shall determine if the planned development is or is not in the public interest based on the following:

I. Is the site or zoning lot upon which the planned development is to be located adaptable to the unified development proposed?

II. Will the proposed planned development be detrimental to or endanger the public health, safety, comfort or general welfare of any portion of the community?

III. Will the proposed planned development be injurious to the use and enjoyment of other property in the vicinity for the purposes already permitted?

IV. Will the proposed planned development diminish or impair property values within the neighborhood?

V. Will the proposed planned development impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?

VI. Is there provision for adequate utilities, drainage, off street parking and loading, pedestrian access and all other necessary facilities?

VII. Is there provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets?

VIII. Are the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities, compatible with the surrounding neighborhood and adjacent land uses?

IX. Is there suitable landscaping for the portions of the proposed planned development which are not to be used for structures, parking and loading areas or access ways?

X. Is the planned development, in the specific location proposed consistent with the spirit and intent of this Ordinance and the Land Use and Transportation Plan?

F. Following the public hearing or within forty-five (45) days of the close of the public hearing, the Planning Commission shall take one of the following actions:

I. Advise the applicant in writing of any recommended changes, additions or corrections to the Preliminary Development Plan. If such advice is given, the applicant may, within thirty (30) days, submit a revised Preliminary Development Plan for Planning Commission consideration at a new public hearing. The applicant may do so without paying an additional filing fee. The Planning Commission shall then recommend approval or denial of the Planned Development and submit its written recommendation to the Board of Mayor and Aldermen; or

II. Recommend denial of the application for the planned development. The Commission shall set forth, in writing, the reasons for its decision; or

III. Recommend approval of the planned development (including the Preliminary Development Plan) and submit its written recommendation to the Board of Mayor and Aldermen.

4. After approval of the preliminary plan and amendment of the zoning map, preparation of the final master plan may begin.

5. Within one (1) year after approval of the preliminary master plan, the applicant shall submit a final master plan to the Planning Director for Greenbrier Municipal/Regional Planning Commission for consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD. After approval of the final master plan, the applicant shall have recorded an official copy of said plan.

6. Prior to the sale or transfer of any property, the applicant shall submit and have approved and recorded a final subdivision plat.

7. Both the preliminary and final master plans shall be prepared and stamped by registrants of the State of Tennessee who are licensed to practice the particular discipline being prepared (e.g. site layout and drainage by civil engineers, boundary surveys by surveyors, landscape plans by landscape architects).

8. If the application is incomplete, the planning director shall hold in abeyance the formal review by the Greenbrier Planning and Zoning Commission until such time as complete information is submitted.

5.048.3 EXCEPTIONS FROM DISTRICT STANDARDS

- A. Within Planned Developments, the Planning Commission may recommend, and the Board of Mayor and Aldermen may grant, exceptions to the district lot and building bulk standards. The planned development is subject to the underlying district regulations unless such exception is granted. Such exceptions from district regulations may be granted for planned developments if the Board of Mayor and Aldermen finds that allowing such exceptions:
1. Enhances the overall merit of the planned development.
 2. Promotes the objectives of both the City and the development.
 3. Enhances the quality of the design of the structures and the site.
 4. Enables the development to offer environmental and pedestrian amenities.
 5. Will not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development.
 6. Is compatible with the land use policies of the City's Land Use and Transportation Plan.
 7. Provides a public benefit to the City, as described in Section 5.048.3B below.
- B. Exceptions may be granted where it is determined that such modifications shall not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic. To be granted such exceptions, the planned development applicant must demonstrate superior design and enhanced amenities. In no case, shall an exception to district regulations within a planned development be granted unless the applicant demonstrates a substantial benefit to the City. Design characteristics and amenities to be considered in this determination shall include, but are not limited to the following:
14. Landscaping, buffering or screening within or around the perimeter of the planned development that is in addition to the minimum required by this Ordinance.
 15. The provision of additional landscaping and screening of parking lots and structures in addition to the minimum required by this Ordinance.
 16. Reduced use of impervious surface materials, including use of semi-pervious materials such as grass-crete.

17. Design characteristics including, but not limited to, mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment.
18. Use of sustainable design and green architecture such as: green roofs and other energy efficient design concepts; water conservation; environmental sensitivity; new building technologies; Leadership in Energy and Environmental Design (LEED) techniques; and xeriscaping (water conservation landscaping).
19. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities.
20. Preservation of environmental features.
21. Preservation of historic features.
22. Recreational amenities such as:
 - a. Swimming pools
 - b. Outdoor rooms, arbors, gazebos, seating areas and other hardscape
 - c. Clubhouse with meeting and fitness facilities
 - d. Jogging trails and fitness courses
 - e. Playgrounds
 - f. Lakes, natural water features, wetlands and conservation areas
 - g. Retention ponds and detention areas which are accessible to occupants or the public via nature trails, boardwalks, and/or perimeter walkways, but only if they are designed as natural water features and are landscaped with native vegetation
23. Additional public infrastructure improvements in addition to the minimum required by this ordinance, such as ornamental street lights, street name signs, stop signs and mailboxes.
24. Provision of sign standards which exceed the minimum required by this Ordinance.

25. Provision of a Design Guide with design standards which exceed the minimum required by this Ordinance. For residential planned developments, the developer is encouraged to provide elevations of the homes which are to be built.

26. Restrictive covenants which prohibit, limit or provide standards for utility buildings, fences and similar structures.

- C. All storm water detention and retention areas shall be constructed and maintained.
- D. Common open space, as shown on the approved Planned Development Final Master Plan, shall be shown as common open space on all subdivision plats and site plans required by this ordinance and other laws and approved by the City. For example, if the Master Plan for a residential development includes open space with a gazebo in phase 3, said open and gazebo shall be shown on the phase 3 plat. Adequate surety shall be provided prior to recording the phase 3 plat to cover the cost of the gazebo.
- E. Adequate provision shall be made for the establishment of an association such as a homeowner's association, property owners association, business owners association, community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the ownership, operation and maintenance of all common open space and amenities, including any private streets and sidewalks. The applicant shall submit a legal instrument, such as a declaration of covenants and restrictions, establishing provisions for the use and permanent maintenance of the common areas and amenities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purposes. The provisions of this instrument shall include, but not be limited to, the following:
 - 1. The association must be established and operational before any property is sold
 - 2. Membership must be mandatory for each property owner and must run with the land so that any successive purchaser will automatically become a member.
 - 3. The restrictions covering the use, etc. of the common areas must be permanent, not just for a period of years.
 - 4. The association must be responsible for liability insurance, taxes and the maintenance of the common areas and amenities.
 - 5. Property owners must pay their pro rata share of the cost assessed by the association and said assessment can become a lien on the property for failure to pay.

6. The association must be able to adjust the assessment of fees to meet changing needs.

5.048.3 BOARD OF MAYOR AND ALDERMAN ACTION

The Board of Mayor and Aldermen, after receipt of the recommendations from the Planning Commission, shall approve, modify or deny the Planned Development within sixty (60) days following the receipt of the written recommendations of the Planning Commission. However, the Board of Mayor and Aldermen may, by motion, extend the sixty (60) day period. The Board of Mayor and Aldermen action shall be according to the procedure for a zoning map amendment (rezoning), which may include a recommendation from the General Committee, a public hearing advertised in accordance with state law and passage of an ordinance on two (2) readings at two (2) separate board meetings.

5.048.4 MINIMUM REQUIREMENTS FOR REVIEWING

Every application for a planned development and review of the Preliminary Development Plan shall contain the following:

1. A plat of the survey of the parcel or parcels of land comprising the zoning lot. The plat shall be drawn to scale showing the actual dimensions of the zoning lot, including all parcels or lots within the zoning lot. The plat shall be drawn in accordance with the recorded plat of such land, if such exists.
2. Proof of ownership.
3. A site location map drawn to an appropriate scale showing the streets and all property uses located within three hundred (300) feet in all directions of the development site. The map shall indicate the location, height or number of stories and use of all existing buildings and structures on properties immediately adjacent to the development site and within three hundred (300) feet.
4. A preliminary plan stamped by a design professional and drawn to an appropriate scale showing:
 - I. The location, ground area, height, and bulk of all existing and proposed buildings and structures within the planned development.
 - II. The use or uses to be made of such existing and proposed buildings and structures.
 - III. Minimum building setback/yard requirements.

IV. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.

V. The location and dimensions of any areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings or for any other public use.

5. Typical building elevations and schematic design presentations indicating the general architectural character of all proposed buildings and structures. The drawings need not be the result of final architectural decisions and need not be in detail.

6. A traffic circulation plan indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from adjacent streets. The plan shall address the impact of the proposed planned development upon existing traffic patterns. Such plan shall also include an examination of the adequacy of onsite parking facilities, vehicular circulation patterns and pedestrian access and safety. A traffic study may also be required by the City Engineer or the Planning Commission for developments which generate more than five hundred (500) trips per day.

7. A drainage plan indicating the manner in which surface drainage will be controlled and managed.

8. A utilities study prepared by a qualified professional indicating the adequacy of the utility systems serving the proposed planned development, including water distribution lines, sanitary sewers, storm water drainage facilities and electricity.

9. A preliminary landscape plan prepared by a qualified professional indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. The landscape plan need not be the result of final decisions and need not be in detail.

10. A separate schedule setting forth any proposed exceptions to any City regulations. The schedule shall include, but not necessarily be limited to, the regulations governing density, area, bulk, and off-street parking and loading as they apply to the zoning district or districts within which the planned development is to be located. This schedule shall cite by Section number each and every regulation from which an exception is sought.

11. A rough draft of covenants and restrictions outlining minimum house size, building materials, restrictions on fencing, accessory buildings and the like.

12. Such other documentation as the Planning Commission may, by general rule, require.

5.048.5 MINIMUM SIZE

The minimum size of a residential planned development shall be five (5) acres.

5.048.6 DIMENSIONAL REQUIREMENTS

Maximum Density	8/acre
Maximum Floor Area Ratio	.20
Minimum Open Space	20 %
Maximum Building Height	35 Feet

Setbacks

Front	35 Feet
Side	15 Feet
Rear	20 Feet

5.048.7 FINAL DEVELOPMENT

1. Final Development Plan Procedure

Within three (3) years following the approval of the planned development and Preliminary Development Plan, the applicant shall file with the Planning Department for review by the Planning Commission a Final Development Plan or the applicant may submit a letter to the Planning Department to be presented to the Planning Commission to request a one (1) year extension of the approval of the Preliminary Development Plan. Such one (1) year extension request may be repeated for multiple years as long as the Planning Commission approves the request. Failure to apply for an extension does not void the planned development. However, the Planning Commission may recommend to the Board of Mayor and Aldermen the revocation of the planned development and Board of Mayor and Aldermen may revoke. If the planned development is to be developed in phases, the applicant need only file a Final Development Plan for the first phase of development, as indicated in the development and construction schedule prescribed below. The Final Development Plan for the remaining phases shall be filed in accordance with the development and construction schedule.

The owner may request revocation. Revocation, regardless of who initiates, shall be according to the process for a map amendment. The Board of Mayor and Aldermen may elect to revoke the master plan and leave the base zoning as is, or, if the original action to approve the master plan included rezoning, the Board of Mayor and Aldermen may elect to return the zoning to the original classification.

Every Final Development Plan shall contain the following information and documentation:

- D. In final form, all of the information required for the Preliminary Development Plan.
- E. A final plan stamped by a design professional and drawn to an appropriate scale which includes the following information:
 - I. Final designation of the location, ground area, height and bulk of all existing and proposed buildings and structures within the planned development.
 - II. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units and the residential density.
 - III. The use or uses to be made of existing and proposed buildings or structures.
 - IV. The minimum building setbacks/yard requirements.
 - V. The location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.
 - VI. The location, dimensions and details of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, amenities, places of worship, school sites, public buildings or for any other public or quasi-public use.
- F. Adequate provision shall be made for the establishment of an association such as a homeowners association, property owners association, business owners association, community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the ownership, operation and maintenance of all common open space and amenities, including any private streets and sidewalks. The applicant shall submit a legal instrument, such as a declaration of covenants and restrictions, establishing provisions for the use and permanent maintenance of the common areas and amenities and demonstrating that the association is self-perpetuating and adequately funded to accomplish its purposes. The provisions of this instrument shall include, but not be limited to, the following:

1. The association must be established and operational before any property is sold
 2. Membership must be mandatory for each property owner and must run with the land so that any successive purchaser will automatically become a member.
 3. The restrictions covering the use, etc. of the common areas must be permanent, not just for a period of years.
 4. The association must be responsible for liability insurance, taxes and the maintenance of the common areas and amenities.
 5. Property owners must pay their pro rata share of the cost assessed by the association and said assessment can become a lien on the property for failure to pay.
 6. The association must be able to adjust the assessment of fees to meet changing needs.
- I. In the event that the association, or any successor, shall at any time fail to maintain the common areas and amenities in reasonable order and condition in accordance with the master plan, the Planning Department may serve written notice upon such association and/or the owners and hold a public hearing. After thirty days when deficiencies or maintenance are not corrected, the Planning Department shall call upon any public or private agency to maintain the common areas and amenities for a period of one year. When the Planning Department determines that the association is not prepared to maintain the common areas and amenities, such agency shall continue maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the development. Said cost shall become a lien on said properties.
 - J. A landscaping plan prepared by a qualified professional indicating the general character of all proposed landscaping, screening and fencing, including all open space areas around buildings and structures. Also, include the location, height, design and illumination characteristics of all external lighting fixtures within the development.
 - K. A final utilities and drainage plan indicating the size and location of all water distribution lines, sanitary sewers and storm drainage facilities required to serve the planned development and the manner in which surface drainage will be controlled and managed.

- L. Typical building elevations and schematic design presentations indicating the architectural character of all proposed buildings and structures.
- M. A development and construction schedule indicating the following:
 - I. The date when construction of the planned development will begin or, if developed in phases, the date when construction of the initial phase will begin.
 - II. If the planned development is to be developed in phases, a map indicating the phases in which the planned development will be built, the dates when the Final Development Plans for all but the initial phase will be filed, and the approximate dates when construction of each subsequent phase will begin.
 - III. The date when construction of the planned development will be completed, and the date when a specific use or uses will be established, or if developed in phases, the date when construction of each phase will be completed, and the date when a specific use or uses will be established for each phase.

2. Action

The Final Development Plan shall be reviewed, and, if appropriate, approved as follows:

a. Review by the Planning Department

The Final Development Plan shall be in substantial compliance with the approved Preliminary Development Plan. Specifically:

- I. The number of residences shall not increase by more than 5%.
- II. The square feet of non-residential building area (all floors) shall not increase by more than 10%.
- III. Other lot and building bulk standards shall not be made less restrictive.
- IV. Dwelling types, including the mix of dwelling types, shall be substantially the same.
- V. Land uses (permitted uses) shall be substantially the same.
- VI. The street system shall be substantially the same.
- VII. Grading and infrastructure shall be substantially the same or better.

VIII. Open space, amenities and overall quality shall be substantially the same or better.

IX. The phasing plan and schedule shall be substantially the same.

5.048.8 CHANGES TO PLANNED DEVELOPMENTS

Changes to an approved Preliminary or Final Development Plan which exceed the changes shall require re-approval by the Planning Commission and the Board of Mayor and Aldermen as an amended plan following the same procedure as for an original Preliminary or Final Development Plan approval.

5.048.9 REVOCATION

If construction work on the proposed planned development has not begun within five (5) years from the date of the Board of Mayor and Aldermen's vote to approve the Preliminary Development Plan, the approval of the planned development may be declared null and void and all rights shall lapse.

5.048.10 CONDITIONS AND GUARANTEES

Prior to granting approval of any planned development, the Planning Commission may recommend, and the Board of Mayor and Aldermen may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned development as deemed necessary to guarantee performance of all conditions.

5.048.11 PERMITS THAT ARE REQUIRED

All permits related to the project shall be received by the City of Greenbrier Building and Codes department before completion of project.

5.048.12 BOND

A bond will be required by the city for the duration of the project. Once adopted by the Mayor and Alderman board there will be a one (1) year maintenance bond that will be required.

5.048.13 ISSUANCE OF BUILDING PERMIT

Building permits may only be issued if the construction work in question is in conformity with the approved Final Development Plan and with all other applicable ordinances and regulations.

5.048.14 ENFORCEMENT OF PLANNED DEVELOPMENT

The Planning Department shall periodically review all permits issued for the planned development in conjunction with the construction that has taken place on the planned development site, and compare actual development with the approved development and construction schedule, and require any corrective action necessary to assure compliance with the approved Final Development Plan and this ordinance.

5.050 COMMERCIAL DISTRICT REGULATIONS (Entire Section Amended by Ordinance No 98-18, May 3, 1999, Amended Uses Permitted Sections 5.051, 5.052, 5.053 - Ordinance 17-21, 2017)

The following regulations shall apply to the commercial districts established in Section 5.010, of this ordinance.

5.051 CA, Town Center Commercial District

A. District Description

This district is designed to provide for a wide range of retail, office, amusement, and service uses involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utilities necessary to serve the district or which may be required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian traffic. A relatively high intensity of use is permitted in this district.

B. Uses Permitted

In the CA, Town Center Commercial District, the following uses and their accessory uses as described in Section 2.030, are permitted by right when conducted entirely within an enclosed building.

Community Facility Activities

- Administrative Services**
- Community Assembly**
- Community Education**
- Cultural and Recreational Services**
- Essential Services**
- Health Care Facilities**
- Religious Facilities**

Commercial Activities

- Automotive Service and Repair**
- Automotive Sales**
- Consumer Repair Services**
- Convenience Commercial**
- Entertainment and Amusement Services**
- Financial, Consulting and Administrative Services**
- Food and Beverage Services**

**Food Service Drive-n and Drive-thru
Funeral Home or Funeral Parlor**
Defined as an establishment with facilities for viewing of the dead and for funeral services before interment.
Gasoline Service Station
Excluding fuel services for trucks over ten-thousand (10,000) pounds in gross vehicle weight.
**General Business and Communication Services
General Personal Services
General Retail Trade
Grocery Store/Supermarket
Hotel/Motel
Liquor Store (packaged)
Medical and Professional Services
Vehicular, Craft, and Related Equipment
Wholesale Sales and Activities**

C. Accessory Uses and Structures

The following accessory uses are permitted in the CA, Town Center Commercial District:

1. Signs in compliance with regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot, within an enclosed building and are not otherwise prohibited.

D. Uses Permitted as Special Exceptions

In the CA, Town Center Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.030

Residential Activities

**Permanent Residential - Multi-Family Only
Semi-Permanent Residential**

Community Facility Activities

**Community Education
Personal and Group Care Facilities
Religious Facilities**

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the CA, Town Center Commercial District

F. Dimensional Regulations

1. Minimum Lot Size

Minimum Lot Area	None
Lot Width at Building Setback	None

2. Minimum Yard Requirements

Front Setback Minimum	20 feet
Front Setback Maximum	30 feet
Side Yard Setback	5 feet

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be twenty (20) feet.

Rear setback	5 feet
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**except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be thirty (30) feet.
(Amended by Ordinance 17-13, August 7,2017)**

3. Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings, including accessory buildings on a lot or parcel located in the CA District.

4. Height Requirement

The maximum height of all buildings located in the CA District shall be established as follows, except as provided in Section 6.040.

- a. The maximum building height at the building setback line shall be three (3) stories or thirty-six (36) feet in height.
- b. Any structure proposed to exceed this height limit must have plans approved by the Greenbrier Fire Department and receive a variance from the Greenbrier Board of Appeals.

5. Parking Space Requirements

As regulated in Article IV, Section 4.010

6. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and ten (10) feet from any building on the same lot.

7. Landscaping

Each site developed in this district shall include at least ten (10) percent of the area devoted to a landscaped green treatment, which shall consist of grass, shrubs, plants, or other indigenous flora. Rocks will not be permitted in this area. No merchandise or other material shall be placed on or above this area. The landscaped space shall consist of at least forty (40) percent in front of the building. The remainder may be placed on either side, but required landscaping to the rear of the building shall not exceed twenty-five (25) percent of the required total. For a lot where property abuts a residential district, an appropriate screened planting strip at least ten (10) feet wide shall be planted with evergreen trees that reach a height of at least ten (10) feet within five (5) years, and shrubs that reach a height of at least six (6) feet in two (2) years.

In all commercial districts, solid waste storage areas shall be screened from public view by a brick, stone or wood fence and maintained in such a manner as to meet Robertson County Public Health requirements. **(Paragraph Added by Ordinance No. 00-07, November 13, 2000)**

5.052 CB, Highway Commercial District

A. District Description

These districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; automobile and other vehicular service establishments; amusement and entertainment establishments; drive-in stores; eating and drinking places; financial institutions; transient sleeping accommodations; and offices. The uses in these districts service a wide market area and, therefore, ease of automotive access is a requisite.

B. Uses Permitted

In the CB, Highway Commercial District, the following uses and their accessory uses as described in Section 2.030, are permitted by right when conducted entirely within an enclosed building.

Community Facility Activities

Administrative Services

Colleges (renamed/defined from Intermediate Impact Facilities)

Community Assembly

Community Education

Cultural and Recreational Services

Essential Services

**Golf Course (renamed/defined from Intermediate Impact Facilities)
Including putting course and driving range.**

Personal and Group Care Facilities

Religious Facilities

Universities (renamed/defined from Intermediate Impact Facilities)

Commercial Activities

Animal Care and Veterinary

Automotive Service and Repair

Automotive Sales

Consumer Repair Services

Convenience Commercial

Entertainment and Amusement

Financial, Consulting, and Administrative Services

Food and Beverage Services

Food Service Drive-in and Drive-Thru

Funeral Home or Funeral Parlor -

**Defined as an establishment with facilities for viewing of the
dead and for funeral services before interment.**

Gasoline Service Stations

General Business and Communication Services

General Personal Services

General Retail Trade

Grocery Store/Supermarket

Hotel/Motel

Liquor Store (packaged)

Medical and Professional Services

Vehicular, Craft, and Related Equipment

Wholesale Sales and Activities

C. Uses Prohibited

The following accessory uses are permitted in the CB, Highway Commercial District.

1. Signs in compliance with regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot, within an enclosed building and are not otherwise prohibited.

4. Single Family Detached Dwellings in CB (Highway Commercial) District – In regards to properties located within the CB District that were originally constructed to serve in a residential capacity that have been converted to a commercial use, and, should the owner desire converting the property back to a residential use, the City of Greenbrier, in keeping with conformance to this ordinance, has placed certain conditions on such uses as described below:
- a. Only structures originally constructed as single family detached residences may be considered for conversion from commercial back to residential use.
 - b. The buffering requirements, as required in ARTICLE III, shall not be required for the subject lot or surrounding lots unless peculiar conditions deem otherwise as determined by the Board of Zoning Appeals.
 - c. The property owner shall sign a legal document acknowledging that the structure is located in a commercial zone and all surrounding existing or proposed commercial uses will be conducting business that may infringe on the residential use of this structure. The City of Greenbrier shall be held harmless to any infringement on this residential use.
 - d. In conversion of the property back to residential, the removal of certain commercial characteristics, such as but not limited to, commercial-grade illumination, signage, parking lots, commercial-grade refuse containers, etc., shall be left up to the discretion of the Board of Zoning Appeals in determination to what percentage or degree of conversion the owner shall comply to.

D. Uses Permitted as Special Exceptions

In the CB, Highway Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with 7.030

Commercial Activities

Wholesale Activities

Manufacturing Activities

Limited Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Plant and Forest Nurseries

Single Family Detached Dwellings (Added by Ordinance 04-03, November 1, 2004)

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the CB, Highway Commercial District.

F. Dimensional Requirements

All uses permitted in the CB, Highway Commercial District, comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Setback Minimum	35 feet
Side Setback	15 feet
except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.	
Rear Setback	5 feet
except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (30) feet.	
(Amended by Ordinance 17-13, August 7,2017)	

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all Buildings, including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

4. Height Requirement

The maximum height of all buildings located in the CB District shall be established as follows, except as provided in Section 6.040.

 - a. The maximum building height at the building setback line shall be three (3) stories or thirty-six (36) feet in height.
 - b. Any structure proposed to exceed this height limit must have plans approved by the Greenbrier Fire Department and receive a variance from the Greenbrier Board of Appeals.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Accessory Structures

Accessory buildings and structures shall be located at least ten (10) feet from a front yard lot line and five (5) feet from any side or rear lot line.

7. Landscaping

Each site developed in this district shall include at least ten (10) percent of the area devoted to a landscaped green treatment, which shall consist of grass, shrubs, plants, or other indigenous flora. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. Rocks will not be permitted in this area. No signs, merchandise or other material shall be placed on or above this area. The landscaped space shall consist of at least sixty (60) percent in front of the building. The remainder may be placed on either side, but not beyond the principal structures' rear wall. For a lot where property abuts a residential district, an appropriate screened planting strip at least ten (10) feet wide shall be planted with evergreen trees that reach a height of at least ten (10) feet within five (5) years, and shrubs that reach a height of at least six (6) feet in two (2) years.

In all commercial districts, solid waste storage areas shall be screened from public view by a brick, stone or wood fence and maintained in such a manner as to meet Robertson County Public Health requirements. **(Paragraph Added by Ordinance No. 00-07, November 13, 2000)**

5.053 CC, General Commercial District

A. District Description

These districts are designed to provide sufficient space in appropriate locations for more intensive commercial activities such as warehousing, storage and wholesale as well as for Limited manufacturing activities which have the highest performance standards and the least objectionable characteristics.

B. Uses Permitted

In the CC, General Commercial District, the following uses and their accessory uses as described in Section 2.030, are permitted by right when conducted entirely within an enclosed building:

Community Facility Activities

**Administrative Services
Community Assembly
Community Education**

Cultural and Recreational Services
Essential Services
Health Care Facilities
Religious Facilities

Commercial Activities

Animal Care and Veterinary
Automotive Service and Repair
Automotive Sales
Building Materials and Farm Equipment
Consumer Repair Services
Convenience Commercial
Entertainment and Amusement
Financial, Consulting, and Administrative Services
Food and Beverage Services
Food Service Drive-in and Drive-thru
Funeral Home or Funeral Parlor
 Defined as an establishment with facilities for viewing of the
 dead and for funeral services before interment.
Gasoline Service Station
 Excluding fuel services for trucks over ten-thousand (10,000)
 pounds in gross vehicle weight.
General Business and Communication Services
General Personal Services
General Retail Trade
Grocery Store/Supermarket
Hotel/Motel
Liquor Store (packaged)
Medical and Professional Services
Vehicular, Craft, and Related Equipment
Wholesale Sales and Activities

C. Accessory Uses and Structures

The following accessory uses are permitted in the CC, General Commercial District.

1. Signs in compliance with regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot, within an enclosed building and are not otherwise prohibited

D. Uses Permitted as Special Exceptions

In the CC, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 7.030

Manufacturing Activities

Limited Manufacturing Activities

Agricultural, Resources Production, and Extractive Activities

Plant and Forest Nurseries

E. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the CC, General Commercial District.

F. Dimensional Requirements

All uses permitted in the CC, General Commercial District, comply with the following requirements:

1. Minimum Lot Size

Minimum Lot Area	20,000 square feet
Lot Width at Building Setback	100 feet

2. Minimum Yard Requirements

Front Setback Minimum	40 feet
Side Setback	20 feet

except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.

Rear Setback	5 feet
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except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (30) feet.

(Amended by Ordinance 17-13, August 7,2017)

3. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all Buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. Height Requirement

The maximum height of all buildings located in the CC District shall be established as follows, except as provided in Section 6.040.

- a. The maximum building height at the building setback line shall be three (3) stories or thirty-six (36) feet in height.
- b. Any structure proposed to exceed this height limit must have plans approved by the Greenbrier Fire Department and receive a variance from the Greenbrier Board of Appeals.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Accessory Structures

Accessory buildings and structures shall be located at least ten (10) feet from a front yard lot line and five (5) feet from any side or rear lot line.

7. Landscaping

Each site developed in this district shall include at least ten (10) percent of the area devoted to a landscaped green treatment, which shall consist of grass, shrubs, plants, or other indigenous flora. Included in the ten (10) percent coverage, there shall be maintained a landscaped strip at least ten (10) feet wide along all street rights-of-way lines exclusive of business driveways and walkways. Rocks will not be permitted in this area. No signs, merchandise or other material shall be placed on or above this area. The landscaped space shall consist of at least sixty (60) percent in front of the building. The remainder may be placed on either side, but not beyond the principal structures' rear wall. For a lot where property abuts a residential district, an appropriate screened planting strip at least ten (10) feet wide shall be planted with evergreen trees that reach a height of at least ten (10) feet within five (5) years, and shrubs that reach a height of at least six (6) feet in two (2) years.

In all commercial districts, solid waste storage areas shall be screened from public view by a brick, stone or wood fence and maintained in such a manner as to meet Robertson County Public Health requirements. **(Paragraph Added by Ordinance No. 00-07, November 13, 2000)**

5.060 INDUSTRIAL DISTRICT REGULATIONS

The following regulations shall apply in the commercial districts established in Section 5.010, of this ordinance.

5.061 IA, Restrictive Industrial District

A Description

These districts are Intended to provide space for a wide range of industrial and related uses which conform to a high level of performance standards and have the least objectionable characteristics. It is required that the operations or industrial establishments be carried on within completely enclosed buildings, thus providing a standard of development which removes most adverse characteristics that affect neighboring properties. These districts may provide a buffer between other districts and other industrial activities which have more objectionable influences. New residential activities are excluded, and community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

B. Uses Permitted

In the IA, Restrictive Industrial District, the following uses and their accessory uses as described in Section 2.030, are permitted by right:

Commercial Activities

**Building Materials and Farm Equipment
Construction Sales and Services
Food and Beverage
Food services Drive-In
Transport and Warehousing
Wholesale Sales**

Community Facility Activities

Essential Services

Manufacturing

Limited Manufacturing

C. Accessory Uses and Structures

The following accessory uses are permitted in the CC, General Commercial District.

1. Signs in compliance with regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot, within an enclosed building and are not otherwise prohibited

D. Uses Permitted as Special Exceptions

In the IA, Restrictive Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and

approval by the Board of Zoning Appeals in accordance with Section 7.080; provided further that the site development plans shall be reviewed and approved by the planning commission in accordance with Section 7.030.

Community Facilities

Intermediate Impact

Manufacturing

Intermediate Manufacturing

E. **Uses Prohibited**

Any use not permitted by right or by special exception is strictly prohibited.

F. **Dimensional Requirements**

All uses permitted in the IA, Restrictive Industrial District, shall comply with the following requirements:

1. **Minimum Lot Size**

No minimum lot size shall be required in the IA District.

2. **Minimum Yard Requirements**

a. Front Setback 50 ft.

b. Side 20 ft.

c. Rear 20 ft.

d. Where the side or rear yard abuts or is adjacent to a residential district, the minimum setback for that yard shall be forty (40) feet.

e. Accessory buildings and structures shall be located at least ten (10) feet from a front yard lot line and five (5) feet from any side or rear lot line.

3. **Maximum Lot Coverage**

The maximum lot coverage on any lot shall not exceed sixty (60) percent.

4. **Height Requirements**

No building shall exceed three (3) stories or thirty-five (35) feet in height.

5. **Parking Space Requirements**

As regulated in Section 4.010.

6. Landscaping

Each site developed in this district shall include at least ten (10) percent of the area devoted to a landscaped green treatment, which shall consist of grass, shrubs, plants, or other indigenous flora. Rocks will not be permitted in this area. No signs, merchandise or other material shall be placed on or above this area. The landscaped space shall consist of at least sixty (60) percent in front of the building. The remainder may be placed on either side, but not beyond the principal structure's rear wall. For a lot where property abuts a residential district, an appropriate screened planting strip at least ten (10) feet wide shall be planted with evergreen trees that reach a height of at least ten (10) feet within five (5) years, and shrubs that reach a height of at least six (6) feet in two (2) years.

5.062 IB, General Industrial District

A. District Description

These districts are intended to provide space for the type of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonresidential uses. New residential activities are excluded, but commercial establishments and community facilities which provide needed services for industry and are complementary thereto are permitted.

B. Uses Permitted

In the IB, General Industrial District, the following uses and their accessory uses as described in Section 2.030, are permitted by right:

Commercial Activities (Amended Ordinance 17-22, 2017)

- Automotive Parking**
- Building Materials and Farm Equipment**
- Commercial Storage Facilities**
- Construction Sales and Services**
- Embalming facilities**
- Incinerator facilities**
- Transport and Warehousing**
- Wholesale Sales and Activities**

Community Facility Activities

Essential Services

Manufacturing

**Limited Manufacturing
Intermediate Manufacturing**

C. Accessory Uses and Structures

The following accessory uses are permitted in the CC, General Commercial District.

1. Signs in compliance with regulations set forth in Section 4.080.
2. Accessory off-street parking and loading facilities as required in Section 4.010.
3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot, within an enclosed building and are not otherwise prohibited

D. Uses Permitted as Special Exceptions

In the IB, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section 7.080; provided further that the site development plans shall be reviewed and approved by the planning commission in accordance with Section 7.030.

Community Facilities (Amended Ordinance 17-22, 2017)

**Extensive Impact
Intermediate Impact**

Manufacturing

Extensive Manufacturing

Commercial

**Group Assembly, Excluding Amusement Parks,
Campgrounds, and Resorts**

Commercial Activities (Added by Ordinance No. 99-01, March 1, 1999)

Adult Entertainment

E. Uses Prohibited

Any use not permitted by right or by special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the IB, General Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

No minimum lot size shall be required in the IB District.

2. Minimum Yard Requirements

a. Front setback - 50 ft.

b. Side 20 ft.

c. Rear 20 ft.

d. Where the side or rear yard abuts or is adjacent to a residential district, the minimum setback for that yard shall be forty (40) feet.

e. Accessory buildings and structures shall be located at least ten (10) feet from a front yard lot line and five (5) feet from any side or rear lot line.

3. Maximum Lot Coverage

The maximum lot coverage on any lot shall not exceed sixty (60) percent.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height.

5. Parking Space Requirements

As regulated in Section 4.010.

6. Landscaping

Each site developed in this district shall include at least ten (10) percent of the area devoted to a landscaped green treatment, which shall consist of grass, shrubs, plants, or other indigenous flora. Rocks will not be permitted in this area. No signs, merchandise or other material shall be placed on or above this area. The landscaped space shall consist of at least sixty (60) percent in front of the building. The remainder may be placed on either side, but not beyond the principal structure's rear wall. For a lot where property abuts a residential district, an appropriate screened planting strip at least ten (10) feet wide shall be planted with evergreen trees that reach a height of at least ten (10) feet within five (5) years, and shrubs that reach a height of at least six (6) feet in two (2) years.

5.070 FLOOD DISTRICT REGULATIONS

5.071 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

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

B. Findings of Fact

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

C. Statement of Purpose

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

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

5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

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

5.072 **DEFINITIONS**

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

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

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

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

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

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

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

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

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

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

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

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

"Historic Structure" means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

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

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

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

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

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

improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

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

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

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

5.073 GENERAL PROVISIONS

A. Application

This Ordinance shall apply to all areas within the incorporated area of the City of Greenbrier, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Greenbrier, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS), Community Number 47147CV000A, dated April 16, 2008, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C0380C, 47147C0390C, and 47147C0395C, dated April 16, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

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

D. Compliance

No land, structure or use shall hereafter be located, extended, converted or

structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

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

F. Interpretation

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

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

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

5.074 ADMINISTRATION

A. Designation of Ordinance Administrator

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

B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in

duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Section 5.075, A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

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

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

proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Administrator

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

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 5.074, B.
7. Record the actual elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 5.074, B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 5.074, B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as

criteria for requiring that new construction, substantial improvements, or other development in Zone A, on the City of Greenbrier, Tennessee FIRM meet the requirements of this Ordinance.

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

5.075 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

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

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

11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 5.075, B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 5.075, A, are required:

1. Residential Structures

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

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5.072). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

2. Nonresidential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or nonresidential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 5.072). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Nonresidential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 5.074, B.

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 5.075, B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - ii. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 5.072).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Section 5.075, A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - iii. The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

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

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 5.075, E).

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

Located within the Special Flood Hazard Areas established in Section 5.073, B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Greenbrier, Tennessee and certification, thereof.
- 2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 5.075, A and B.

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

Located within the Special Flood Hazard Areas established in Section 5.073, B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- 1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless

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

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 5.075, A and B.

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

Located within the Special Flood Hazard Areas established in Section 5.073, B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2, below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 5.075, A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 5.072). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in 5.074, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 5.075, B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Greenbrier, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 5.075, A and B. Within approximate A Zones, require that those provisions of Section 5.075, B, dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Section 5.073, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Section 5.075, A and B, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 5.075, B.
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 5.074, B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the Areas of Special Flood Hazard established in Section 5.073, B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Sections 5.074 and 5.075, shall apply.

H. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 5.074 and 5.075.

5.076 VARIANCE PROCEDURES

A. Municipal Board of Zoning Appeals

1. Authority

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

2. Procedure

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

3. 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, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of ten (\$10) dollars for the cost of review and processing of the application shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in

interest and decide the same within a reasonable time within thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Zoning Appeals shall have the following powers:

a. Administrative Review

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

b. Variance Procedures

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

- i. The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- ii. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- iii. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - (a) The danger that materials may be swept onto other property to the injury of others;
 - (b) The danger to life and property due to flooding or erosion;
 - (c) The susceptibility of the proposed facility and its contents to flood damage;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- iv. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
 - v. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 5.076, A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

5.077 LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

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

B. Severability

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

C. Effective Date

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

ARTICLE VI
EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Nonconforming Buildings or Other Structures
- 6.040 Exceptions to Height Limitations
- 6.050 Lots of Record

6.010 SCOPE

Article VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Article IV and Article V.

6.020 NONCONFORMING USES

The provisions of this section are applicable to all uses which are not permitted within the districts in which they are located.

A. Continuation of Nonconforming Use

Any nonconforming use which existed at the time of enactment of the first city ordinance (**March 7, 1977**) and which remains nonconforming, or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto may be continued subject to the provisions contained in this article. Provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

B. Repairs and Alterations

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

1. Incidental Alterations

Incidental alterations as defined by this ordinance, may be made to a building or other structures occupied by a nonconforming use, or in connection with a permitted change of a nonconforming use.

2. Alterations Other Than Incidental Alterations

No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use, except as provided below or when made:

- a. In order to comply with requirements of law regarding fire protection, safety of the structure, etc., or
- b. In order to conform to the applicable district regulations or performance standards.

3. Alteration of Commercial and Industrial Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use and further provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.

C. Expansion

The nonconforming use of part of a building structure, all or substantially all of which is designed or intended for a use not permitted in the district in which is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made, unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

1. Expansion of Commercial and Industrial Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:

- a. shall result in a change of one nonconforming use to another nonconforming use, unless such change results in a use which is less nonconforming than the previous use;
- b. shall infringe, or increase the extent or any infringement existing at the time or adoption of this ordinance, upon any open space required by this ordinance;
- c. shall take place beyond the zone lot(s) on which said use was operating as of the effective date of this ordinance.

D. Change of Use **(Amended by Ordinance 11-08, September 12, 2011.)**

For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership in itself, may not necessarily constitute a change of use. If the Building Official requires a site plan because of change of occupancy, the new occupancy must go before the Design Review Committee. All changes of use involving any commercial, industrial, or other buildings that are not agriculture or residential uses must conform to the land use regulations set forth by the Planning Commission, which includes this Ordinance as well as the Greenbrier Design Review Manual.

When a change of use involves a tenant space in a strip mall or shopping center development with such master plan previously approved by the planning commission, then such tenant space will not be required to comply with the provisions of the Greenbrier Design Review Manual unless such tenant space's exterior will be significantly altered from the original master plan.

In all instances, a new business facility must be brought into compliance with all applicable building codes requirements.

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

A nonconforming use may be changed to another nonconforming use provided that:

1. Structural alterations or enlargements are not made to the buildings and other structures;
2. The degree of nonconformity or noncompliance is not increased;
3. The nonconforming use to which such change is made will be less detrimental to the neighborhood than the existing nonconforming use.

E. Damage or Destruction

In all districts when any building or structure which is substantially occupied by a nonconforming use is damaged or destroyed to the extent of sixty (60) percent of its total floor area, such nonconforming use shall terminate. This provision shall not apply to a nonconforming residential use in a commercial district.

Any commercial or industrial use subject to the provisions of this section shall be allowed to reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding:

1. shall result in a change of one nonconforming use to another nonconforming use;

2. shall infringe upon, or increase the extent of any infringement existing at the time of this ordinance, upon any open space required by this ordinance.
3. shall take only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.

F. Discontinuance **(Deleted and Replaced by Ordinance No. 08-10, July 7, 2008.)**

Pursuant to 13-7-208 of the Tennessee Code, when a nonconforming commercial, industrial, or other business use of land with minor improvements or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of thirty (30) months, then the land or building or other structure shall thereafter be used only for conforming use. This shall not apply to nonconforming residential uses of land, which shall have a one (1) year discontinuance period. Intent to resume active operations shall not affect the foregoing provision. Immediately upon the removal of a nonconforming mobile home from an individual lot or the discontinuance of a nonconforming mobile home park, the nonconformity of the use shall lapse.

6.030 NONCOMPLYING BUILDING OR OTHER STRUCTURES

The provisions of this section shall control buildings and other structures, including signs, which do not meet the bulk or any other provisions applicable in the districts in which they are located, except those provisions which pertain to activity or use.

A. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as, otherwise, provided by this section.

B. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions contained herein.

C. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance or a building or other structure or parcel of any portion thereof.

D. Damage or Destruction

In all districts, when a noncomplying building or other structure is damaged by any involuntary means to the extent of sixty (60) percent or more of its total floor area, such building or other structure may be

reconstructed only in accordance with the applicable bulk regulations and other provisions of this ordinance.

In all districts, when any noncomplying sign is damaged or destroyed to the extent of sixty (60) percent of its depreciated value at the time of destruction or damage then the sign shall be terminated or made to comply with the appropriate district regulations.

6.040 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

6.050 LOTS OF RECORD

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions thereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two (2) or more lots of record with continuous frontage area 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.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the Ordinance
- 7.020 The Enforcement Officer
- 7.030 Building Permits
- 7.040 Temporary Uses Permits
- 7.050 Certificate of Occupancy
- 7.060 Board of Zoning Appeals
- 7.070 Variances
- 7.080 Procedure for Authorizing Special Exceptions
- 7.090 Amendments to the Ordinance
- 7.100 Amendments to the Zoning Map
- 7.110 Penalties
- 7.120 Remedies
- 7.130 Validity
- 7.140 Interpretation
- 7.150 Effective Date

7.010 ADMINISTRATION OF THE ORDINANCE

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

7.020 THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered by the Greenbrier Building Inspector. The building inspector shall administer and enforce this ordinance, and, in addition, he shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all certificates of occupancy and make and maintain records, thereof.
- C. Issue and renew, where applicable, all temporary use permits and make and maintain records, thereof.
- D. Maintain and keep current zoning maps, and records of amendments, thereto.

- E. Receive, file, and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Receive, files, and forward to the planning commission all matters on which, the planning commission is required to act under this ordinance.
- G. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The building inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030 BUILDING PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land without a permit, therefore, issued by the building inspector.

No Building Permit shall be issued by the building inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application for a Building Permit

Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. Applications for building permits will be accepted only from persons having legal authority to take action in accordance with the permit. In general this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons. The building inspector may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the building inspector is required to consider the application. It is not necessary that the application contain construction drawings to determine compliance with all the requirements of this ordinance, so long as the plans provide sufficient information to allow the building inspector to evaluate the application in light of the substructure requirements set forth in this ordinance.

B. Site Plan Requirements (Deleted Subsection B, Replaced by Ordinance No. 96-14, December 2, 1996.)

1. Ten (10) copies of proposals for the construction or location of one (1) or more principal structures on a lot, additions to existing buildings or free-standing accessory structures, (with the exception of single-family and two-family dwellings), shall be submitted to City Hall no later than thirty (30) days prior to the upcoming Planning Commission meeting. See Subsections C and D, for specific site plan requirements. See Subdivision Regulations Section 2-101.201 (1) for schedule of review. **(Amended by Ordinance 18-11, October 1, 2018)**
2. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Section 4.090.
3. The above applications must be supported by any other information or data as might be deemed necessary by the Greenbrier Municipal Planning Commission.
4. All site plans for construction of new principal structures, additions to existing structures or free-standing accessory structures shall be prepared and stamped by an individual licensed and certified by the State of Tennessee, to perform such design service as is required, above.
5. A site plan submitted for an addition to an existing building or a free-standing accessory structure which measures up to one thousand (1,000) square feet in floor area or fifty (50) percent of the total square footage of the existing building, whichever is less, is exempt from the following requirements:
 - a. The plan need not be prepared and stamped by an individual licensed and/or certified by the State of Tennessee, to perform such design service.
 - b. Topographic features.

C. Site Plans Required for One- and Two-Family Detached Houses and Individual Mobile Homes

For uses and activities subject to this provision, a plot plan containing the following information shall be provided:

1. The actual shade, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.

4. The size and location of all yards and open areas required by this ordinance.
5. The dimension and location of all public water and sewer lines from which the property is to be served.
6. The location and approximate dimension of all points of access to a public street or road.
7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
8. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

D. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of Subsection C. Unless, otherwise, specified, the reviewing agency shall be the Greenbrier Planning Commission. Proposals for planned developments, group housing developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the planning commission.

The following information shall be included in the site plan.

1. General Location Sketch Map at a scale not smaller than 1"=2,000', showing:
 - a. The approximate boundaries of the site.
 - b. External (public access streets or roads in relation.
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - d. Any public water and sewer systems in relation to site.
2. Site plan drawn at a scale no smaller than 1"=200' showing:
 - a. The actual shape, location, and dimensions of the lot.
 - b. The shape, size, and location of all buildings or other structures already on the lot.
 - c. The existing and intended use of the lot and of such structures upon it, including, for residential activities,

the number of dwelling units the buildings are intended to accommodate.

- d. Topographic features, both existing and proposed, with contours at a vertical interval, no greater than five (5) feet.
 - e. Location of all driveways and entrances.
 - f. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
 - g. Location of all accessory off-street loading berths.
 - h. Location of open space.
 - i. Proposed ground coverage, floor area, and building heights.
 - j. Position of fences and walls to be utilized for screening (materials specified).
 - k. Position of screen planting (type of planting specified).
 - l. Proposed means of surface drainage, including all drainage ways and facilities.
 - m. Location of all easements and rights-of-way.
 - n. Location of areas subject to flooding.
 - o. Location and size of all utilities including all fire hydrants.
 - p. Location, type, and size of proposed signs.
3. The planning commission as reviewing body may:
- a. Recommend approval of the plan as submitted to the building inspector.
 - b. Recommend disapproval of the plan.
 - c. Recommend approval of the plan with conditions or recommendations for alterations.

If no "actual construction has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

E. **Fee (Amended Ordinance 28-23, November 6, 2017)**

The Greenbrier Board of Mayor and Aldermen shall establish a schedule of fees and a collection procedure for building permits. The schedule of fees shall be posted in the office of the building inspector. Only the City Board may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

F. **Issuance of Permit**

The proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed waiving of any provisions this ordinance.

G. **Construction Progress**

Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

7.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature, unless a permit has been obtained from the Greenbrier Building Inspector, as provided for in Article IV, Section 4.030., of this ordinance. Application for a temporary use permit shall be made in writing to the building inspector on forms provided for that purpose.

7.050 CERTIFICATE OF OCCUPANCY

No land or building or their structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within five (5) working days after notification that a building or premises or part thereof is ready for occupancy of use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

7.060 BOARD OF ZONING APPEALS

A Greenbrier Board of Zoning Appeals is thereby established in accordance with Sections 13-7-205 through 13-7-207, of the Tennessee Code. The Board shall consist of the Greenbrier Planning Commission.

- A. **Procedure** - Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken, hereon. The records and minutes shall be filed in the office of the building inspector and shall be a public record.
- B. **Appeals to the Board** - An appeal to the Greenbrier Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be 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 public notice, thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.
- C. **Powers of the Board** - The Board of Zoning Appeals shall have the following powers:
1. **Administrative Review** - To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
 2. **Special Exceptions** - To hear and decide application for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.
 3. **Variances** - To hear and decide applications for variances from the terms of this ordinance.
- D. **Rules and Regulations of the Board** - The Board shall adopt rules for the conduct of its meetings. Such rules shall, at the minimum, require that:
1. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
 2. No action shall be taken by the Board on any case until after a public hearing and notice, thereof. Said notice of public

hearing shall be a legal notice published in a newspaper of General circulation in Greenbrier at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board that could not have been reasonably presented in a public hearing before the Board, the Board shall establish a date for the purpose of rehearing in accordance with the appropriate procedures, herein.

3. The Board may call upon any other office or agency of the government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
 4. The planning commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.
 5. Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.
 6. Any decision made by the Board on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
 7. Appeals will be assigned for hearing in the order in which they appear on the calendar, thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.
 8. At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
- E. **Stay of Proceedings** - An appeal shall stay proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed, otherwise, than by a restraining order, which may be granted by a court of competent jurisdiction on application, on notice to the building inspector, and on due cause shown.

F. **Liability of Board Members, Building Inspector and Employees**

- Any board member, building inspector, or other employee charged with the enforcement of this ordinance acting for Greenbrier, within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is, hereby, relieved from all personal liability and shall be held harmless by the city of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, building inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the city until the final termination of such proceedings.

G. **Right of Entry upon Land** - Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

H. **Rehearings**

1. No rehearing of the decision by the Board shall be had except:
 - a. On motion to reconsider the vote; or
 - b. On a written request for a rehearing.
2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by resolution in each case, stipulate.
3. No request to grant a rehearing will be entertained, unless new evidence is submitted which could not reasonably be present at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board.

4. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

7.070 VARIANCES

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

- A. **Application** - After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.
- B. **Hearings** - Upon receipt of an application, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee of two-hundred (\$200.00) per request up to five (5) acres plus fifty (\$50.00) each additional acre over 5 shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency. **(Amended by Ordinance 18-11, October 1, 2018)**
- C. **Standards for Variances** - The Board shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance in granting a variance, the Board shall ascertain that the following criteria are met:
 - 1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out, must be stated.
 - 2. The condition upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
 - 4. Financial returns alone shall not be considered as a basis for granting a variance.
 - 5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

6. The variance will not authorize activities, otherwise, excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.
8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase in the congestion in the public streets, or increase the danger of public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the Board of Appeals grant a variance to allow a "USE" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Subsection C, 4, (above), to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.

7.080 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

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

- A. **Application** - An application shall be filed with the Board of Zoning Appeals for review. Said applications shall show the location and intended uses of the site, the names of the property owners,

existing land uses within two hundred (200) feet, any other material pertinent to the request which the Board may require.

- B. **Restrictions** - In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.
- C. **Validity Plans** - All approved plans, conditions, restrictions, and rules made a part of the approval of the board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.
- D. **Time Limit** - All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.
- E. **General Requirements** - A special exception shall be granted provided the Board finds that the activity:
 - 1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
 - 2. Will not adversely affect other property in the area in which it is located;
 - 3. Is within the provision of "Special Exceptions" as set forth in this ordinance; and
 - 4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience is that location.
- F. **Special Exceptions Appeals** - Any person or agency of the city government may appeal to a court of competent jurisdiction from the Board's decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board, on all questions of fact that may be involved in any appeal, cause, hearing or proceedings under this article, shall be final, and subject to review only for illegality or want of jurisdiction.
- G. **Specific Standards for Residential Activities** - A special exception shall not be granted for the residential activities specified below, unless the standards established there are met as a part of the conditions for issuing such permit in the applicable zone districts.
 - 1. **Special Conditions for Multi-Family Dwelling and Mobile Home Park Activities** - In a addition to the standards contained elsewhere in this ordinance for these type development, the Board of Appeals shall specifically find that there will be no adverse impact upon adjoining properties or the neighborhood in which such use is proposed. In making

this finding the Board shall consider the effect upon traffic congestion, overcrowding of schools, availability of necessary public utilities, and character of adjoining structures, and suitability of the site for the use and such other factors as the Board may deem necessary.

2. Special Conditions for Mobile Home Dwellings

- a. Mobile homes may be placed on a lot provided that:
- (1) the mobile home is anchored in at least four points;
 - (2) the area beneath the mobile home is enclosed by appropriate skirting material or set upon a block foundation;
 - (3) foundation plant materials are suitably located in character with all other houses in the area;
 - (4) the lot is appropriate for such use.

3. Special Conditions for Review Pertaining to Bed and Breakfast Home Residences (Added by Ordinance No. 95-04, June 5, 1996)

In addition to the requirements of the applicable district and the general requirements set forth in Section 7.060, C, the following special conditions shall be met prior to issuing a conditional use permit:

- a. Bed and breakfast residences shall be established only within pre-existing single family residences.
- b. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
- c. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
- d. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- e. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- f. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.

- g. Bed and breakfast residences shall be limited to a single on premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (10) feet.
- h. One (1) off-street parking space shall be provided for each room rented in addition to the required two (2) spaces required for the single family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
- i. If food is prepared or cooked, a menu made available, and a price is charged, therefore, a food server's license must be obtained from the Tennessee Department of Health.
- j. A smoke detector shall be installed in each sleeping room, and a fire extinguisher ten (10) pounds in size or larger shall be installed and made easily accessible on each floor or story.
- k. An evacuation plan must be approved by the town's fire chief prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
- l. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
- m. Prior to the issuance of a use and occupancy permit for the establishment of any bed and breakfast residence not connected to the town's public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

4. **Special Conditions for Single Family Detached Dwellings in the CB (Highway Commercial) District (Added by Ordinance 04-04, November 1, 2004)** - In regards to properties located within the CB District that were originally constructed to serve in a residential capacity that have been converted to a commercial use, and, should the owner desire converting the property back to a residential use, the City of Greenbrier, in keeping with conformance to this ordinance, has placed certain conditions on such uses as described below:

- a. Only structures originally constructed as single family detached residences may be considered for conversion from commercial back to residential use.
 - b. The buffering requirements, as required in ARTICLE III, shall not be required for the subject lot or surrounding lots unless peculiar conditions deem otherwise as determined by the Board of Zoning Appeals.
 - c. The property owner shall sign a legal document acknowledging that the structure is located in a commercial zone and all surrounding existing or proposed commercial uses will be conducting business that may infringe on the residential use of this structure. The City of Greenbrier shall be held harmless to any infringement on this residential use.
 - d. In conversion of the property back to residential, the removal of certain commercial characteristics, such as but not limited to, commercial-grade illumination, signage, parking lots, commercial-grade refuse containers, etc., shall be left up to the discretion of the Board of Zoning Appeals in determination to what percentage or degree of conversion the owner shall comply to.
- H. **Specific Standards for Community Facility Activities** - In addition to the requirements of the applicable district and the general requirements set forth above, a special exception shall be granted for the community facility activities specified below, only, when the standards established are met as part of the condition for issuing the permit in the applicable zoning districts.
- 1. **Special Conditions for Administrative Services**
 - a. There must be a demonstrated need for such activities to serve the neighborhood or the total community.
 - b. All lot, yard, and bulk regulations of the zone district shall apply.
 - c. Appropriate off-street parking requirements shall apply.
 - d. Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.
 - e. The site and architectural plans shall be approved by the planning commission.
 - 2. **Day Care Centers**

For purposes of this ordinance, day care facilities are classified into two types as defined below:

Day Care Home - Includes day care in an occupied residence of not more than seven (7) children, including children living in the home.

Day Care Center - Includes day care for more than seven (7) preteenage children in any kind of building.

a. Day Care Home

The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.

All public utilities and sanitary sewers shall be available and connected to the site, unless the site is over one (1) acre in size. The Fire Department shall approve the facility for safety.

All requirements of the State of Tennessee that pertain to the use shall be met.

An outdoor play area of at least two hundred (200) square feet per child in size shall be available and shall be fenced.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

A site plan shall be submitted in conjunction with the application for a special exception.

b. Day Care Center

No such facility shall be permitted on a lot, unless such lot contains at least one-half (1/2) acre.

A fenced outdoor play area shall be provided of at least two hundred (200) square feet per child or two thousand (2,000) square feet whichever is greater.

All bulk and space regulations of the district shall be met.

Special passenger loading and unloading facilities shall be provided on the same zone lot for vehicles to

pick-up or deliver children. Such facilities shall provide for driveways that do not require any back-up vehicle movements to enter or exit the zone lot.

One accessory off-street parking space for each five (5) children accommodated shall be provided.

All public utilities and sanitary sewers shall be available and connected at the site.

All regulations of the State of Tennessee that pertain to the use shall be met.

The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.

Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area as well as the facility.

A site plan shall be submitted in conjunction with the application for a special exception.

3. Special Conditions for all Other Personal and Group Care Activities

- a. No such facility shall be permitted on a zone lot, unless it contains a minimum of one-half (1/2) acre.
- b. All bulk regulations of the district shall be met.
- c. The requirements of the accessory off-street parking regulations, of this ordinance, shall apply.
- d. All regulations of the State of Tennessee shall be met.
- e. All public utilities and sewage disposal shall be available and connected to the site, and the site and architectural plans for such a facility be approved by the planning commission taking into account the above conditions as well as any other pertinent factors.

4. Special Conditions for Community Assembly

- a. No such facilities shall be permitted on a lot, unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- b. All bulk regulations of the zone district shall apply.
- c. Off-Street Parking

- (1) For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
- (2) For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.

- d. Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- e. The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.
- f. All public utilities and sewage disposal shall be available and connected to the site.
- g. Except for temporary nonprofit festivals, the site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.

5. Special Conditions for Cultural and Recreational Services

- a. No such activity shall be permitted on a zone lot, unless it contains twice the lot area requirements of the district, (or one-half (1/2) acre if the district has no required lot size.)
- b. All bulk regulations of the district shall apply.
- c. The off-street parking requirements of this ordinance shall apply.
- d. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse affect on properties within the surrounding area.

- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse affect on properties within the surrounding area.
- f. The site and architecture! plans shall be approved by the planning commission taking into account the above conditions.

6. Special Conditions for Community Education

- a. No such facilities shall be permitted on a zone lot, unless such lot contains the acreage recommended for such facilities by the appropriate state agency.
- b. The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- c. The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- d. The off-street parking requirements of this ordinance shall apply.

7. Special Conditions for Health Care

a. Minimum Lot Area

- (1) No health clinic shall be permitted on a zone lot, unless it contains twice the lot area requirements of the district or one-half (1/2) acre if the district has no required lot size.
- (2) No hospitals, or centers for observation or rehabilitation shall be permitted on a zone lot, unless it contains a minimum of five (5) acres.
- b. The minimum side and rear yards for hospitals and centers for observation or rehabilitation shall be fifty (50) feet for a one (1) or two (2) story building, increased by five (5) feet for each story above two (2).
- c. All other regulations of the district shall apply.
- d. There shall be provided along the entire site boundaries fencing, screening, and landscaping as appropriate to protect the surrounding residential area.
- e. The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on the properties in the surrounding area.

- f. All public utilities and sewage disposal shall be available and connected to the site.
- g. The site and/or architectural plans shall first be approved by the planning commission taking into account the above conditions.
- h. The following activity classes and types may be permitted accessory to the health care activities provided they appropriately complement the health care activity, will not impose an adverse impact on the surrounding land use, and be subject to all other provisions of the zoning district:

- (1) Community Facility Activities

- (2) Commercial Activities

Convenience Sales and Services
Automotive Parking
Food Service
Medical Service

8. Special Conditions for Intermediate and Extensive Impact

- a. The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- d. The off-street parking requirements shall be determined by the board taking into account characteristics of the use.
- e. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facility.

9. Special Conditions for Religious Facilities

- a. No such facilities shall be permitted on a zone lot unless it contains one (1) acre.
- b. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- c. All bulk regulations of the district shall be met.
- d. The off-street parking requirements of this ordinance shall apply.

I. **Specific Standards for Commercial Activities** - A special exception shall not be granted for the commercial activities specified below, unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

1. **Special Conditions for Group Assembly Activities**

- a. The location, size, and design of such facilities shall be situated so that the proposed development within the surrounding area thus reducing the impact upon the surrounding area.
- b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
- c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
- d. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
- e. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.
 - (1) The minimum size site shall be twenty-five (25) acres.
 - (2) The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.

- (3) Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
 - (4) Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
 - (5) Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
 - (6) Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
 - (7) Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
 - (8) Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- f. When an application for a group assembly permit includes a private campground, the following standards shall be met:
- (1) Such campground shall have on-site management.
 - (2) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; and such establishment and their parking areas shall not occupy more than ten

(10) percent of the area of the park or one (1) acre whichever is smaller.

- (3) Such campground shall meet the following standards:

Minimum size - 10 acres.

Maximum density - 10 campsites per gross acre.

Sanitary facilities, including flush toilets and showers - within three hundred (300) feet walking distance of each campsite.

Dump station for travel trailers.

Potable water supply - one (1) spigot for each four (4) campsites.

Trash receptacle - one (1) for each two (2) campsites.

Parking - one (1) space per campsite.

Picnic table - one (1) per campsite.

Fireplace or grill - one (1) per campsite.

Administration or safety building open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

- (4) Such campground shall meet the following design requirements:

A vegetation screen or ornamental fence which will substantially screen the campsites from view of public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence; shall be maintained in good condition at all times.

Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas, or similar activities.

Each campsite shall have a minimum setback of twenty-five (25) feet from any exterior boundary line.

Each campsite and all other buildings shall have a minimum setback from any public road of fifty (50) feet.

Each separate campsite shall contain a minimum of thirty-two hundred (3,200) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access).

Each campsite shall be directly accessible by an interior road.

All interior roads shall be a minimum of ten (10) feet wide for one way traffic and eighteen (18) feet wide for two way traffic.

All interior roads shall meet the following curve requirements:

**Minimum radius for a 90 degree turn - 40 ft.
Minimum radius for a 60 degree turn - 50 ft.
Minimum radius for a 45 degree turn - 68 ft.**

No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.

2. Special Conditions for Adult Entertainment Business **(Added by Ordinance No. 99-01, March 1, 1999)**

- a. No establishment shall be located within fourteen hundred (1,400) feet (measured property line to property line) of any church, school ground, college campus or park.
- b. All establishments shall be located at least five hundred (500) feet (measured property line to property line) from any other adult entertainment business.
- c. No establishment shall be located within one thousand (1,000) feet (measured property line to property line) from any residential structure.
- d. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-101 through 7-51-1121.

J. **Specific Standards for Agricultural and Extractive Activities** - A special exception permit shall be granted for the

agricultural and extractive activity specified below, unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable zone districts.

1. Special Conditions for Mining and Quarrying Activity

- a. The location of such an activity shall be in an area sparsely developed during the length of time the mining or quarrying activity is anticipated.
- b. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
 - (1) Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
 - (2) Location of the area in which the proposed quarrying activity is to be conducted.
 - (3) Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - (4) Proposed method of drainage of the quarry area.
 - (5) Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - (6) Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.
 - (7) Methods proposed to control noise, vibration and other particulate matter.
 - (8) Finished contours of the site after the quarrying operation has been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are back-filled shall be left so that adequate drainage is provided.
- c. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphaltic cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included

on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.

- d. Before issuing a permit the board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the planning commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
- e. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the manner and procedure as prescribed for an original application.
- f. The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

2. Special Conditions for Commercial Storage of Explosives

- a. The location of such an activity is in an area likely to be sparsely developed for reason of topography, lack of existing or planned utilities, accessibility or for similar cause.
- b. Such facility shall not be - located on a site having an area of less than fifty (50) acres.
- c. All regulations of the State Fire Marshal relating to the storage of explosives shall be met.
- d. Any special permit issued hereunder shall be for a period not exceeding five (5) years. After the expiration date of such special permit, the board may review and grant an extension of time in the same manner and procedure as prescribed for an original application.
- e. The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

K. Specific Standards for Manufacturing Activities

1. Specific Standards for Intermediate Manufacturing Activities

A special exception permit shall not be granted, unless the standards below are met.

- a. The activity takes place in completely enclosed buildings with no outdoor storage of materials or finished products.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thorough fare with residential streets unaffected.

2. Specific Standards for Extensive Manufacturing Activities

A special exception shall not be granted unless the standards below are met:

- a. No such facility shall be located on a lot, unless such lot contains at least one (1) acre.
- b. Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare with residential streets unaffected.
- c. State permits for air pollution standards and emissions must be obtained and kept up-to-date.
- d. The site plan is first approved by the planning commission taking into account factors related to the use and operation of the facility.

7.090 AMENDMENTS TO THE ORDINANCE

The regulations and the number, or boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the Greenbrier Board of Mayor and Aldermen. Any member of the City Board may introduce such legislation, or any official, board, or any other person may represent a petition to the City Board requesting an amendment to or amendments to this ordinance.

No amendment shall become effective, unless it is first submitted to the Greenbrier Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its recommendation to the City Board. If the planning commission disapproves the amendment, it shall require a favorable vote of a majority of the entire membership of the City Board to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or if disapproved, receive the favorable note of a majority of the entire membership of the City Board

Before finally adopting any such amendment, the City Board shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the city. This notice shall specify the location and the current and proposed zoning classification of any property to be rezoned.

A fee of thirty-five dollars (\$35.00) due and payable to the city at the time of filing of the petition shall be posted with the request to amend a provision or provisions of this ordinance. The fee is to be used by the city to defray costs resulting from such petition and any subsequent amendments, hereto.

7.100 AMENDMENTS TO THE ZONING MAP

Amendments to the zoning map shall be initiated by the filing of an application with the building inspector. Said application shall contain:

- A. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
- B. A written legal description of the subject property including the Tax Plat Number and acreage.
- C. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
- D. The names and addresses of the adjacent property owners, including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.

- E. Ten (10) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1" = 100' and no larger than 1" = 30', and show the following information:
1. Title, north arrow, graphic scale, date, civil, district, and the acreage of the property to be rezoned.
 2. Dimensions in feet of property to be rezoned.
 3. All roads and easements within or adjoining property to be rezoned.
 4. Location, size, type and current use of any building on the property requested for rezoning.
 5. Location of the adjoining property owners in relation to the property to be rezoned.

7.110 PENALTIES

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue constitutes a separate offense.

In addition to other penalties, the enforcement officer designated by the city may order the discontinuance of utility services to any parcel of land where the said use is in violation of the zoning ordinance. This may be done only when the owner of the property has been given at least ten (10) days notice by certified mail or personal service of such violation and has failed to make substantial progress toward correction of such violation.

7.120 REMEDIES

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

7.130 VALIDITY

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

7.140 INTERPRETATION

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

7.150 EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Greenbrier Municipal Planning Commission.

March 6, 1990 Steve Sorrells
Date Secretary

March 13, 1990 Passed on First Reading by the Greenbrier Board of
Mayor and Aldermen

April 2, 1990 Passed on Second Reading by the Greenbrier Board
of Mayor and Aldermen

April 19, 1990 Notice of Public Hearing advertised in newspaper of
general circulation, Robertson County Times

May 7, 1990 Public Hearing held by the Greenbrier Board of Mayor
and Aldermen prior to Third Reading

May 7, 1990 Passed on Third Reading by the Greenbrier Board of
Mayor and Aldermen

Tommy Overby
Mayor

ATTESTED BY:

Sandra F. Lemons
Greenbrier City Clerk

(ORIGINAL SIGNATURE PAGE)

7.150 EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Greenbrier Municipal Planning Commission.

3-6-90
Date

Steve Sells
Secretary

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Tommy Query
Mayor

ATTESTED BY:

Margaret J. Lomas
Greenbrier City Clerk