

ZONING ORDINANCE
OF THE
CITY OF GRAYSVILLE, TENNESSEE

This is the Graysville, Tennessee Zoning Ordinance, regulating the location, height, bulk, number of stories, and size of buildings and other structures; the size of yards, the density of population and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used therein; and providing for the imposition of penalties for the violation of the provisions of this ordinance.

Updated with Amendments through March 2014

ARTICLE I

PREAMBLE AND ENACTMENT CLAUSE

In pursuance of authority conferred by the Tennessee Code Annotated, Chapter 7, Sections 13-7-201 through 13-7-212, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to conserve the value of buildings, and to encourage the most appropriate use of land and other buildings and structures throughout the municipality, the Board of Commissioners does ordain and enact into law the following articles and sections:

ARTICLE II

SHORT TITLE

This ordinance shall be known as the Zoning Ordinance of the City of Graysville, Tennessee, and the map herein referred to which is identified by the title, Graysville, Tennessee Zoning Map, and dated April 12, 2012, shall be known as the Zoning Map of Graysville, Tennessee. The Zoning Map of Graysville, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

ARTICLE III

DEFINITIONS OF CERTAIN TERMS USED HEREIN

SECTION

3.01 SCOPE

3.02 DEFINITIONS

3.01 SCOPE

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words used in the singular number include the plural, and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

3.02 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 the meaning customarily assigned to them.

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

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

Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings, and located upon the same lot therewith.

Adult. Any person eighteen (18) years of age or older.

Adult-Oriented Establishments. Sexually explicit establishments which cater to an exclusively or predominantly adult clientele, including but not limited to: adult bookstores, adult motion picture theaters, adult mini-motion picture and video establishments, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and any premises to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, videos, or other visual media, as defined in *TCA 7-51-1102* and *TCA 7-51-1401*, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

It also includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, or any other term of like import as well as other enterprises which regularly feature materials, acts or displays involving complete nudity, specified sexual activities, or exposure of specified anatomical areas:

1. Specified anatomical areas including less than completely and opaquely covered:
 - a. Human genitals and pubic region
 - b. Buttocks
 - c. Female breast below a point immediately above the top of the areola; and
 - d. Human male genitals in a discernibly turgid state; and/or sexual excitement or enticement.
2. Specified sexual activities include:
 - a. Human genitals in a state of sexual stimulation or arousal
 - b. Acts of human masturbation, sexual intercourse or sodomy
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts

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, billboards, wallboard, roofboard, frames, supports, fences, or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

Advertising Sign or Structure. See Sign.

Alley. A public or legally established thoroughfare, other than a street, which affords a secondary means of access to abutting property.

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

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 the weather and upon which more than three (3) motor vehicles of any kind,

incapable of being operated, and which it would not be economically feasible to make operative, 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. When used for commercial activities, a basement shall be counted as a story.

Bed and Breakfast. A private home, inn, or other residential facility offering bed and breakfast accommodations and one (1) daily meal and not more than eight (8) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the operator resides upon the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters.

Board. Graysville Board of Zoning Appeals.

Boarding or Rooming House. Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

Buffer Strip (Planted Evergreen). 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 carts, mobile homes, dwellings, and similar structures whether stationary or movable.

Building Inspector. The Zoning and Codes Officer or his authorized representative appointed by the Graysville City Commission.

Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is located.

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

Campground. A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

Clinic. See Medical Facilities.

Commercial Feed Lot. Any parcel of land on which one hundred (100) or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Country Club. A chartered, non-profit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, tennis, clubhouse, pool, dining facilities, cocktail lounges, horseback riding, etc.

Day Nursery. Any place, home, or institution which received six (6) or more young children, conducted by cultivating the normal aptitude for exercise play, observation, initiation, and instruction.

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

District. Any section or sections of Graysville, Tennessee, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Dwelling. A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

Dwelling, Multiple. An attached building designed for occupancy by two or more families living independently of each other.

Dwelling, Single Family. A detached building designed to be occupied exclusively by one family.

Dwelling Unit. One or more rooms, a single kitchen and a bath designed as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

Family. One or more persons related by blood, marriage, or adoption, or a group of not to exceed five (5) persons not all related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a board or lodging house, hotel, club, or similar dwelling for group use.

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

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

Gasoline Service Station. Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuel), or automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

Health Department. The Rhea County Office of the State Health Department.

Height of Building. The vertical distance from the average ground elevation or finished grade at the building line, whichever is highest, to the highest point of the building.

Home Occupation. A gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit.

Hospital. See Medical facilities.

Junk Yard or Salvage Yard. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

Loading Space. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a vehicle.

Lot. A piece, parcel, or plot of land which may include one or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings including the open spaces required under this ordinance.

Lot Area. The total surface area of land 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 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 dimension 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 date of passage of the Graysville Subdivision Regulations.

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and

other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

Medical Facilities.

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

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.

Dental Office or Doctor's Office. Same as dental or medical facilities.

Hospital. An institution providing human in-patient medical, surgical, or other health care services for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

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

Minimum Floor Elevation. The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

Mobile Home (Trailer). A detached single-family building unit with any or all of 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. If the metal frame is completely removed from a unit and the unit meets the City Building Codes it shall be classified as a modular unit. If the entire metal frame cannot be removed it shall be classified as a trailer.
3. Arrives at the site where it is to be occupied as a complete dwelling including major appliances and furniture, ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.
4. Designed to be freestanding and does not require a foundation for occupancy.

Mobile Home Park. Any area, tract, site or plot of land whereupon two (2) or more mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof. (Refer to Graysville Trailer Ordinance.)

Mobile Home Subdivision. A subdivision with individual lot ownership planned for mobile homes and which meets all requirements of the Graysville Subdivision Regulations.

Modular (Manufactured Housing) Unit. A manufactured housing unit which can be placed on a foundation and resemble a conventionally-constructed residence in appearance, size, and width. The unit shall meet all city building codes.

Non-Conforming Use. A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects on the social, economic, or psychological well-being of individuals.

Off-Street Parking Space. A yard, space, or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

Parking Lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

Parking Space. An off-street space available for parking one (1) motor vehicle and having an area of not less than two-hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Planning Commission. The Graysville 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.

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

Reach. A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban

area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

Right-of-Way. The strip of land over which a public road is built.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized 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 Public Health.

Sanitary Sewer. A municipal or community sewerage collection, treatment, and disposal system of a type approved by the Health Department.

Setback. The required distance between the front side, or rear lot lines, and the nearest portion of the principal structure.

Shelter, Fallout. A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, 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 representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" 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.

Special Exception. Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board, that he will meet certain enumerated safeguards or qualifying conditions.

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include 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.

Storm Sewers. A municipal or community collection and disposal system for the control of storm drainage.

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 or in which the floor area with eight (8) feet or more of 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 building" is measured or if it is used for commercial purposes.

Street. Any public or private thoroughfare which affords the principal means of access to abutting property.

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

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the market value of the structure, either 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences if that alteration affects the external dimensions of the structure.

The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming Pools, Outdoor. Any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet.

TVA Structure Profile. A contour established by the Tennessee Valley Authority along the Tennessee River and tributary reservoirs which marks the elevation above which structures are permitted on all lands which TVA either owns or on which TVA has certain land rights. In no instance are buildings for human habitation or any other form of development subject to significant damage permitted below this elevation. The profile is developed to avoid increasing the flood damage potential in areas affected by reservoir operations.

Cityhouse. A group of single-family residential dwellings of one or more floors, having or appearing to have a common wall with an adjacent similar unit or units.

Toxic Material. Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Travel Trailer. A vehicular or portable structure designed and equipped to accommodate travelers for short periods of time, not to exceed thirty (30) days.

Travel Trailer Park. A parcel or area of land designed and equipped to accommodate travel trailers for short periods of time, not to exceed fourteen (14) days.

Usable Floor Space. Floor space for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

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, Front. The open space, unoccupied by buildings, between the street right-of-way line and the front of the principal building.

Yard, Rear. The space, unoccupied except by a building for accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

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

ARTICLE IV

ESTABLISHMENT OF DISTRICTS

SECTION

- 4.01 CLASSIFICATION OF DISTRICTS**
- 4.02 ZONING MAP**
- 4.03 ZONING DISTRICT BOUNDARIES**
- 4.04 SPECIFIC DISTRICT REGULATIONS**

4.01 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Graysville, Tennessee. *For flood hazard district boundaries see the adopted "Graysville Flood Hazard Prevention Ordinance" contained in the Appendix of this Zoning Ordinance.*

DISTRICT ABBREVIATION	ZONING DISTRICT
R-1	Low Density Residential
R-2	Medium Density Residential
R-2A	High-Density Residential Corridor
R-3	High Density Residential
MUTC	Mixed Use Town Center
C-1	General Commercial District
AG	Agricultural

4.02 ZONING MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled, Official Zoning Map of Graysville, Tennessee. The zoning map or subsequent zoning map amendments shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment and shall be maintained in the Office of the City Recorder, City of Graysville and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

4.03. 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, limits of the floodway on Roaring and Sale Creeks or the City of Graysville corporate limits as they exist at the time of the enactment of this zoning ordinance.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be

limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this ordinance to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the ordinance shall be observed.

4.04 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the zoning districts established in Section 4.01 of this ordinance.

ARTICLE V

APPLICATION OF REGULATIONS

SECTION

- 5.01 USE
- 5.02 HEIGHT AND DENSITY
- 5.03 LOT AREA AND REDUCTION OF LOT SIZE
- 5.04 YARDS
- 5.05 ONE (1) PRINCIPAL BUILDING ON A LOT
- 5.06 PUBLIC STREET FRONTAGE
- 5.07 REQUIREMENT OF BUFFER STRIPS

5.01 USE

No building or structure shall hereafter be erected and no existing building or structure or part thereof shall be reconstructed, moved, or altered; nor shall any land, structure, or building be used except in conformity with the regulations herein specified for the district in which it is located.

5.02 HEIGHT AND DENSITY

No building or structure shall hereafter be erected, constructed, reconstructed, or altered to:

1. Exceed the height limits;
2. House a greater number of families or occupy a smaller lot area per family than provided for in this ordinance; or,
3. Have a narrower or smaller front or side yards than are herein required.

5.03 LOT AREA AND REDUCTION OF LOT SIZE

No lot, even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of this ordinance, shall be reduced in size so that the lot width, or size of yards, or lot area per family, or any other requirement of this ordinance, is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

5.04 YARDS

No part of a yard or the off-street parking or loading space required for any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or off-street parking or loading space required for another building.

5.05 ONE (1) PRINCIPAL BUILDING ON A LOT

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one (1) lot. (Refer to Section 10.07)

5.06 PUBLIC STREET FRONTAGE

No building shall be erected on a lot which does not abut for at least twenty-five (25) feet on a public street. All principal structures shall be positioned on a buildable lot so that the front façade and front door face a dedicated street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks. Exceptions to this requirement shall only be considered by the Board of Zoning Appeals for Commercial and/or Industrial uses for which it can be shown that it will not detract from the general appearance of the area or unduly impose upon neighboring properties.

5.07 REQUIREMENT OF BUFFER STRIPS

Where a use is established in areas zoned C-1 which abut at any point upon property in areas zoned R-1, R-2, or R-3 the developer of said use shall provide a buffer strip as defined herein at the point of abutment. The buffer strip shall be, at a minimum, 20 feet wide with sufficient foliage, including trees and shrubbery, to provide an adequate screen. Berms and fencing may be incorporated subject to the approval of the Planning Commission.

ARTICLE VI

USE PROVISIONS FOR RESIDENTIAL DISTRICTS

SECTION

- 6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT
- 6.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT
- 6.03 R-2A HIGH-DENSITY RESIDENTIAL CORRIDOR DISTRICT
- 6.04 R-3 HIGH DENSITY RESIDENTIAL DISTRICT
- 6.05 MUTC - MIXED USE TOWN CENTER

6.01 R-1 LOW DENSITY RESIDENTIAL DISTRICT

This residential district is intended to have relatively low population densities and to be used for single-family residences. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

6.01A USES PERMITTED

1. Single-family dwellings, manufactured residential dwellings, except mobile homes.
2. Customary accessory buildings, including private garages and non-commercial workshops, provided they are no closer than ten (10) feet to any lot line.
3. Public and semi-public recreational facilities.
4. Substations, such as electric, telephone, or gas, provided that:
 - a. Structures are located and placed not less than fifty (50) feet from any property line;
 - b. Structures are enclosed by a woven-wire fence at least eight (8) feet high;
 - c. No vehicles or equipment are stored on the premises; and
 - d. The lot is suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the front and side of property lines.

6.01B USES PERMITTED ON APPEAL

In the R-1 Low Density Residential District, the following uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Home occupations as regulated in Section 9.06.
2. Churches or similar places of worship, but not including temporary mission or revival tents.
3. Public and private schools.
4. Child day care facilities to accommodate no more than seven (7) children provided the play area is completely enclosed by a fence to contain the children.

6.01C USES PROHIBITED

1. Duplexes, apartments, and multi-family housing.
2. Commercial or industrial activities not permitted as a home occupation in Section 9.06.
3. Any other use not specifically permitted or permissible on appeal.

6.01D DIMENSIONAL REGULATIONS

All uses permitted in the R-1 Low Density Residential District shall comply with the following setback requirements except as provided in Section 10.06.

1. Front Yard:
The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard:
The minimum depth of the rear yard shall be fifteen (15) feet from the principal structure and ten (10) feet for any permitted accessory structure.
3. Side Yard:
The side yard shall be a minimum of fifteen (15) feet.
4. Side Yard on Corner Lots:

The minimum depth of the side yard that abuts the street shall be thirty (30) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than twenty thousand (20,000) square feet in area.

6. Lot Width:

No lot shall be less than one-hundred (100) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 10.04.

6.01E PARKING SPACE REQUIREMENTS

As regulated in Section 9.03.

6.01F ACCESS CONTROL

As regulated in Section 9.01.

6.02 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residences in areas which by location and character are appropriate for occupancy by medium density, single-family and two-family dwellings. An important purpose of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for occupants of dwellings and adequate space for all related facilities.

6.02A USES PERMITTED

1. Any use permitted in the R-1 Low Density Residential District.
2. Two-family dwellings (duplexes).

3. Boarding houses provided there is the accommodation of not more than two (2) boarders and there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area.
4. Cemeteries.

6.02B USES PERMITTED ON APPEAL

In the R-2 Medium Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Any use permitted on appeal in the R-1 Low Density Residential District shall be permitted on appeal in the R-2 Medium Density Residential District.

6.02C USES PROHIBITED

1. Apartments or multi-family housing.
2. Commercial or industrial activities not permitted as a home occupation in Section 9.06
3. Any other use not specifically permitted or permissible on appeal.

6.02D DIMENSIONAL REGULATIONS

All uses permitted in the R-2 Medium Density Residential District shall comply with the following setback requirements except as provided in Section 10.06.

1. Front Yard:
The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard:
The minimum depth of the rear yard shall be fifteen (15) feet.
3. Side Yard:
The side yard shall be a minimum of fifteen (15) feet for one and two story structures, plus five (5) additional feet of side yard for each additional story over two.
4. Side Yard on Corner Lots:
The minimum depth of the side yard that abuts the street shall be thirty (30) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than twenty thousand (20,000) square feet in area, unless sanitary sewer service is made available, in which case, the minimum lot area shall be ten thousand (10,000) square feet. On lots or parcels of land where two-family dwellings are constructed, the following area requirements shall apply:

Number of Dwelling Units	With Public Water and Sanitary Sewers	With Public Water and without Sanitary Sewers
2 Units	10,000 sq. ft.	20,000 sq. ft.

6. Lot Width:

No lot shall be less than seventy-five (75) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 10.04.

6.02E PARKING SPACE REQUIREMENTS

As regulated in Section 9.03.

6.02F ACCESS CONTROL

As regulated in Section 9.01.

6.03 R-2A HIGH-DENSITY RESIDENTIAL CORRIDOR DISTRICT (Added 10-11-2012)

This residential district is intended to preserve the characteristics of R-1 Low Density Residential Districts and R-2 Medium Density Residential Districts while allowing for higher densities on properties fronting a Major Arterial, Minor Arterial, or Collector street in accordance with the City of Graysville's Major Road Plan. To preserve the character of surrounding residential districts, the BZA shall not grant variances for high-density R-

2A developments when approval of the variance would unduly affect the character or value of neighboring properties.

6.03A USES PERMITTED

1. Any use permitted in the R-1 Low Density Residential District or the R-2 Medium Density Residential District, except cemeteries.

6.03B USES PERMITTED ON APPEAL

In the R-2A High-Density Residential Corridor District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Apartments and multi-family housing, provided the following conditions are met:
 - a. The property fronts a Major Arterial, Minor Arterial, or Collector street as designated by the Major Road Plan.
 - b. The construction is mostly brick or otherwise complements the aesthetics of surrounding properties. A sketch or illustration showing the proposed exterior materials and façade shall be submitted to the Board of Zoning Appeals prior to site plan approval.

6.03C USES PROHIBITED

1. Commercial or industrial activities not permitted as a home occupation in Section 9.06.
2. Any other use not specifically permitted or permissible on appeal.

6.03D DIMENSIONAL REGULATIONS

1. Uses permitted in R-1 Low Density Residential Districts shall comply with the Dimensional Regulations in 6.01D.
2. Uses permitted in R-2 Medium Density Residential Districts shall comply with the Dimensional Regulations in 6.02D.
3. Apartments and multi-family housing developments shall comply with the R-3 Dimensional Regulations in 6.04D.

6.03E PARKING SPACE REQUIREMENTS

As regulated in Section 9.03.

6.03F ACCESS CONTROL

As regulated in Section 9.01.

6.03G SITE PLAN REQUIREMENTS

As regulated in Article 11.

6.04 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

This section provides for residences at high densities, including multi-family dwellings, mobile home parks, and general types of residential development. It is the intent of this ordinance that the R-3 High Density Residential District contains sound development and be a desirable place in which to live. The following uses and their accessory uses are permitted.

6.04A USES PERMITTED

1. Any use permitted in the R-1 Low Density Residential District or R-2 Medium Density Residential District.
2. Multi-family dwellings and City houses.
3. Boarding and rooming houses.
4. Mobile home parks and travel trailer parks
5. Professional Offices for doctors, lawyers, dentists, architects, artists engineers, real estate agents, insurance agents and the like, provided that they front on or abut for a minimum of 75 feet upon a state numbered highway with adequate utilities available.

6.04B USES PERMITTED ON APPEAL

In the R-3 High Density Residential District the following uses and their accessory uses may be permitted subject to review and approval by the Graysville Board of Zoning Appeals in accordance with the provisions of Section 12.07:

1. Any use permitted on appeal in R-1 Low Density Residential District or R-2 Medium Density Residential District shall also be permitted on appeal in R-3 High Density Residential District.

6.04C USES PROHIBITED

1. Commercial or industrial activities not permitted as a home occupation in Section 9.06.

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

6.04D DIMENSIONAL REGULATIONS

All uses permitted in the R-3 High Density Residential District shall comply with the following setback requirements except as provided in section 10.06.

1. Front Yard:

The minimum depth of the front yard shall be thirty (30) feet.

2. Rear Yard:

The minimum depth of the rear yard shall be fifteen (15) feet.

3. Side Yard:

The side yard shall be a minimum of fifteen (15) feet for one and two story structures, plus five (5) additional feet of side yard for each additional story over two.

4. Side Yard on Corner Lots:

The minimum depth of the side yard that abuts the street shall be thirty (30) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than twenty thousand (20,000) square feet in area, unless sanitary sewer service is made available, in which case the minimum lot area shall be seventy-five hundred (7,500) square feet.

On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements shall apply:

Number of Dwelling Units	Water and Sanitary Sewers	With Public Water but Without Sanitary Sewers
2 units	7,500 sq. ft.	20,000 sq. ft.
3 units	10,000 sq. ft.	30,000 sq. ft.
3 + units	10,000 + 2,500 sq. ft. for each unit	Will be determined on a case-

over 3

by-case basis

6. Lot Width:

No lot shall be less than seventy-five (75) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 10.04.

8. Buffer Strip

Where a commercial building or mobile home park abuts another residential lot at either the side or rear yard, a planted buffer strip of not less than ten (10) feet wide shall be provided within the setbacks and not to interfere with utilities.

6.04E PARKING SPACE REQUIREMENTS

As regulated in Section 9.03.

6.04F ACCESS CONTROL

As regulated in Section 9.01.

6.04G SITE PLAN REQUIREMENTS

As regulated in Article 11.

6.05 MIXED USE TOWN CENTER

District Description. This district is intended to provide areas for development of professional offices, services, and other community uses, including traditional retail commercial, light industrial, and warehousing activities, in areas that are deemed appropriate to make a transition from residential uses to the ones listed below. The district is intended to allow development or redevelopment of work opportunities near or adjacent to residential areas, with appropriate safeguards designed to minimize disruption of traffic flows and negative impacts on the adjacent residential uses.

6.05A. USES PERMITTED

In the Mixed Use Town Center District, the following uses and their accessory uses are permitted:

1. Single-family and Two-family Dwellings, excluding Mobile Homes, apartments and mixed-use commercial/apartment uses
2. Primary and Secondary Schools and Libraries
3. Any retail business customarily serving residential neighborhoods
4. Restaurants, drive-ins, grills, fast-food establishments
5. Parks, Playgrounds, and Community Buildings
6. Churches
7. Professional, Medical or Dental Offices
8. Shoe Repair, Tailors, Health Clubs, Florists, Antique and Souvenir Shops
9. Bed and Breakfast Establishments and Tea Rooms
10. Musical Instrument Instruction plus Photography, Dance and Martial Arts Studios
11. Nursing Homes

6.05B. USES PERMITTED ON APPEAL

In the Mixed Use Town Center District, The following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Light Industrial
2. Warehouses

6.05C. USES PROHIBITED

1. Any other use not specifically permitted or permissible on appeal. Uses that propose utilizing a Mobile Home (trailer) to house, contain, facilitate, or conduct any public or private activity or enterprise on a lot in the Mixed Use Town Center zoning district, whether for residential, commercial, or storage purposes, shall be prohibited, the only exceptions being

Temporary Buildings and Temporary Real Estate Sales Offices as regulated in Section 9.05 Temporary Use Regulations.

6.05D. DIMENSIONAL REGULATIONS

The following requirements shall apply to all uses permitted in the RP Residential Professional District:

1. Lot Area
 - a) For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.
 - b) For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the Rhea County Health Department, but in no case shall be less than twenty thousand (20,000) square feet.
2. Front Yard. The depth of the front yard shall be thirty (30) feet from the street or highway right-of-way.
3. Rear Yard. Each lot shall have a rear yard of not less than fifteen (15) feet; the depth of a rear yard which abuts a residential district shall not be less than thirty (30) feet.
4. Side Yard. The width of any side yard shall be a minimum of ten (10) feet for one and two story structures, plus five (5) additional feet of side yard for each additional story over two.

If the side yard abuts a local street, alley, or cul-de-sac, the side yard setback shall be thirty (30) feet.

If the side yard abuts a major thoroughfare or collector road, the side yard setback shall be thirty (30) feet.

If a non-residential use abuts a residential use, the side yard setback shall be thirty (30) feet.
5. Lot Width. Each lot shall have a width of not less than fifty (50) feet at the building setback line.
6. Height Requirement. No building or structure shall exceed three (3) stories or forty (40) feet, except as provided in Section 10.04.

6.05E. PARKING SPACE REQUIREMENTS

As regulated in Section 9.03.

6.05F. OFF-STREET LOADING AND UNLOADING REQUIREMENTS

As regulated in Section 7.01.

6.05G. ACCESS CONTROL

As regulated in Section 9.01.

6.05H. SITE PLAN REQUIREMENTS

As required in Article 11.

ARTICLE VII

USE PROVISIONS FOR COMMERCIAL DISTRICT

SECTION

7.01 C-1 GENERAL COMMERCIAL DISTRICT

The C-1 General Commercial District is established to provide medium density commercial centers to serve neighborhoods and community vehicular traffic of a non-regional nature. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to ensure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness on adjacent lots.

7.01A USES PERMITTED

1. Any retail business or service customarily serving residential neighborhoods.
2. Agricultural implement, sales, service, and repair.
3. Automobile sales, parts, and service.
4. Commercial recreation facilities.
5. Restaurants, grills, drive-ins, fast food establishments.
6. Gasoline service stations provided that all structures, including underground storage tanks, are placed not less than thirty (30) feet from any property line and that such use shall front on a major thoroughfare. Points of access and egress shall be located not less than twenty (20) feet from the intersection of a street right-of-way.
7. Automobile sales.
8. Wholesale and storage businesses including building and material yards.
9. Laundry and dry cleaning establishments.
10. Planned shopping centers.
11. Hotel/Motels
12. Banks

13. Professional Offices (Insurance agents, lawyers, realtors, etc.)
14. Medical Offices
15. Nursing Homes
16. Government Uses

7.01B USES PERMITTED ON APPEAL

In the C-1 General Commercial District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Veterinarian hospitals and kennels.
2. Truck stops.
3. Medical facilities: convalescent, rest, or nursing home; dental or medical clinic; doctors' office; hospitals; or public health centers.
4. Mortuaries and cemeteries

7.01C USES PERMITTED ON REVIEW

Any use which conforms to the intent of this district shall be permitted on review and approval of the Board of Zoning Appeals as regulated in Section 12.07.

1. In the case that a proposed use is not listed under "Uses Permitted" or "Uses Permitted on Review" it shall be the responsibility of the Board of Zoning Appeals to review the proposed use in relationship to the intent of this district and determine if the proposed use is similar in character to uses already permitted or already permitted on review in this district. The Board of Zoning Appeal's review and determination shall be based on a recommendation prepared by the Graysville Municipal Planning Commission.
2. Adult-Oriented Establishments
 - a. Adult-oriented establishments, subject to the following special restrictions:
 1. Restrictions. In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary to a R-1, R-2 or R-3 Residential Zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') of a

residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred feet (500') from the nearest property line of a site used for the purpose of a recreation park, playground or swimming pool (not including ornamental only parks); place of worship, public or private school, day care center, or another adult-oriented establishment. Measurements shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of said uses.

2. Evaluation. For the purpose of enforcing this section, it shall be the responsibility of the zoning administrator to measure, evaluate, and advise the Board of Zoning Appeals Commission regarding compliance of a proposed adult-oriented establishment with the restrictions set forth herein. It shall be the responsibility of the applicant to supply a site plan, as set forth in Article 11, and any other maps, surveys, or other such special information as might reasonably be required and requested by the Board of Zoning Appeals or its designee for use in making a thorough evaluation of the application.
3. Adult-oriented Establishments-Unlawful Acts. It shall be unlawful for any person to own, manage, or operate an adult-oriented establishment in any zone other than C-1 or to own, manage or operate such an establishment without obtaining a conditional use permit as required herein and any other permit the City of Graysville may require. Obtaining any other required permits shall be a requirement of the conditional use permit.
4. Hours of Operation. Under the authority of *TCA 7-51-1402(b)* the hours of operation for an adult-oriented establishment shall be opening not earlier than one (1) o'clock p.m. and closing not later than eleven (11) o'clock p.m. Monday through Thursday, and not later than twelve (12) midnight on Fridays and Saturdays. No adult-oriented establishment shall be open for business on any Sunday or a legal holiday as designated in *TCA 15-1-101*.
5. Physical Design of Premises. As provided in *TCA 7-51-1403* no person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part thereof, which is an adult-oriented establishment and which contains:

- a) Partitions between subdivisions of a room, portion or part of a building structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or
 - b) Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains, or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be so such intensity as to prevent the viewing of motion pictures or other offered entertainment.
6. Revocation and Hearing: Expansion, relocation, substantial misrepresentation, violation of a) any of the terms of the ordinance, b) a change in the dominant sales items or services offered to the public, or c) failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit shall constitute grounds for revocation of the special permit after notice and hearing. Notice of the hearing before the Board of Zoning Appeals for revocation of the permit shall be given in writing setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by certified mail to the applicant's or owner's last known address at least five (5) days prior to the date set for the hearing.
7. Signs and Other Visible Messages.
- a) Sign messages shall be limited to a written description of material or services available on the premises;
 - b) Sign messages may not include any graphic or pictorial depiction of material or services available on the premises;

- c) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

7.01D USES PROHIBITED

Any non-commercial use not expressly permitted or permitted on appeal. Uses that propose utilizing a Mobile Home (trailer) to house, contain, facilitate, or conduct any public or private activity or enterprise on a lot in the C-1 zoning district, whether for residential, commercial, or storage purposes, shall be prohibited, the only exceptions being Temporary Buildings and Temporary Real Estate Sales Offices as regulated in Section 9.05 Temporary Use Regulations.

7.01E DIMENSIONAL REGULATIONS

The following requirements shall apply to all uses permitted in the C-1 General Commercial District

1. Lot Area:
 - a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.
 - b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the planning commission based on recommendations of the Health Department, but in no case shall be less than twenty thousand (20,000) square feet.
2. Front Yard:

The depth of the front yard shall be fifty (50) feet from any edge of the right-of-way.
3. Side Yard:

The width of any side yard which abuts a residential district shall be not less than thirty (30) feet. In all other cases, each side yard shall be not less than fifteen (15) feet.
4. Rear Yard:

Each lot shall have a rear yard of not less than fifteen (15) feet; where a commercial building is serviced from the rear there shall be provided a rear yard of not less than thirty (30) feet; the depth

of a rear yard which abuts a residential district shall not be less than twenty-five (25) feet.

5. Lot Width:

Each lot shall have a width of not less than seventy-five (75) feet at the building setback line.

6. Height Restrictions:

No building or structure shall exceed three (3) stories or forty (40) feet except as provided in Section 10.04, and for freestanding signs as defined in Article IX (Signs, Billboards, and Other Advertising Structures), Section 9.11, (General Sign Regulations, All Districts) which shall not exceed fifty (50) feet in height.

7.01F PARKING SPACE REQUIREMENTS

As regulated in Section 9.03.

7.01G OFF-STREET LOADING AND UNLOADING REQUIREMENTS

As regulated in Section 9.04.

7.01H ACCESS CONTROL

As regulated in Section 9.01.

ARTICLE VIII

USE PROVISIONS FOR AGRICULTURAL DISTRICTS

SECTION

8.01 AG AGRICULTURAL DISTRICT

It is the intent of this district to provide space for forestry, agriculture and agriculturally-oriented uses and structures, and at the same time provide space for residential development for an ever expanding population. It is the intent here to protect the physical and economic well-being of agriculture operations and to prevent the encroachment of urban and other incompatible land uses on farm lands. This district is intended to provide locations for urbanization which are compatible with agriculture uses.

8.01A USES PERMITTED

1. Agriculture, all types
2. Aquaculture
3. Detached single-family dwellings.
4. Single-family dwellings.
5. Churches, cemeteries, and schools.
6. Golf courses, parks, playgrounds, marinas, and publicly-owned recreational uses.
7. Customary home occupations.
8. Commercial nurseries.
9. Customary accessory buildings or structures.
10. Riding/boarding stables, kennels, veterinarian services and animal hospitals.
11. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten (10) feet to any lot line.
12. Public and semi-public recreational facilities.
13. Substations, such as electric, telephone, or gas, provided that:
 - a. Structures are located and placed not less than fifty (50) feet from any property line;
 - b. Structures are enclosed by a woven-wire fence at least eight (8) feet high;

- c. No vehicles or equipment are stored on the premises; and
- d. The lot is suitably landscaped, including a planted buffer strip at least ten (10) feet wide along the front and side of property lines.

8.01B USES PERMITTED ON APPEAL

In the AG Agricultural District, the following uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 12.07.

1. Home occupations as regulated in Section 9.06.
2. Child day care facilities to accommodate no more than seven (7) children provided the play area is completely enclosed by a fence to contain the children.

8.01C USES PROHIBITED

1. Duplexes, apartments, and multi-family housing.
2. Commercial or industrial activities not permitted as a home occupation in Section 9.06.
3. Any other use not specifically permitted or permissible on appeal.

8.01D DIMENSIONAL REGULATIONS

All uses permitted in the AG Agricultural District shall comply with the following setback requirements except as provided in Section 10.06.

1. Front Yard:
The minimum depth of the front yard shall be thirty (30) feet.
2. Rear Yard:
The minimum depth of the rear yard shall be twenty (20) feet from the principal structure and ten (10) feet for any permitted accessory structure.
3. Side Yard:
The side yard shall be a minimum of fifteen (15) feet.

4. Side Yard on Corner Lots:

The minimum depth of the side yard that abuts the street shall be thirty (30) feet.

5. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than twenty thousand (20,000) square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be ten thousand (10,000) square feet.

6. Lot Width:

No lot shall be less than sixty-five (65) feet wide at the building setback line.

7. Height Requirements:

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height except as provided in Section 10.04.

8.01E PARKING SPACE REQUIREMENTS

As regulated in Section 9.03.

8.01F OFF-STREET LOADING AND UNLOADING REQUIREMENTS

As regulated in Section 9.04.

8.01G ACCESS CONTROL

As regulated in Section 9.01.

ARTICLE IX

SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

SECTION

- 9.01 ACCESS CONTROL
- 9.02 ACCESSORY USE REGULATIONS
- 9.03 OFF-STREET PARKING REGULATIONS
- 9.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS
- 9.05 TEMPORARY USE REGULATIONS
- 9.06 CUSTOMARY HOME OCCUPATIONS
- 9.07 GENERAL LOT RESTRICTIONS
- 9.08 VISION AT STREET INTERSECTIONS
- 9.09 GASOLINE SERVICE STATION RESTRICTIONS
- 9.10 SWIMMING POOL RESTRICTIONS
- 9.11 SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES
- 9.12 STANDARDS FOR A BED AND BREAKFAST

9.01 ACCESS CONTROL

In order to expedite the movement of traffic, to promote the safety of the motorist and pedestrian, and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access onto the streets of Graysville, it is necessary to classify such streets as follows: arterials, collectors, and local streets. The classification of each street shall be as shown on the zoning map of Graysville, Tennessee, which is kept at City Hall.

The following are general access regulations applying to all classifications of streets.

1. Maximum width of all access points:

The maximum width of all access points shall be thirty (30) feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, in which case the Graysville Planning Commission may approve a wider channelized access point to allow various turning movements for greater traffic control and safety.
2. Temporary access ways:

Temporary access ways may be granted by the Planning Commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.
3. Off-street parking lanes entirely independent of public streets:

No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.

4. Access for lots fronting on more than one street:

In all commercial developments where a lot abuts more than one street, the Planning Commission may require that the access be from the street of lower classification when necessary to lessen serious congestion on the major street.

5. Gasoline service stations:

Gasoline service stations shall be allowed two (2) access points onto the same street to allow proper circulation past gasoline pumps.

9.02 ACCESSORY USE REGULATIONS

The uses 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, additional uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

9.03 OFF-STREET PARKING REGULATIONS

9.03A SPACES REQUIRED

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) passenger vehicle space shall be determined as a space with dimensions of nine feet in width and eighteen feet in length and such shall be provided access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below.

1. Dwellings:

Not less than one (1) space for each family dwelling unit.

2. Boarding houses and rooming houses:

Not less than one (1) space for each two (2) rooms occupied by boarders or roomers.

3. Tourist Accommodations, motel or hotel:
Not less than one (1) space for each room offered for tourist accommodation.

4. Any auditorium, stadium, or other place or public assembly:

Not less than one (1) space for every five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.

5. Churches:

Not less than one (1) space for every twenty (20) seats provided in such places of assembly.

6. Manufacturing and other industrial uses:

Not less than one (1) space for every three (3) persons employed on a single shift, with a minimum of five (5) spaces provided for any establishment.

7. Commercial building or use:

One (1) space for each one hundred seventy-five (175) square feet of usable floor space in commercial districts. Usable floor space is to be determined by the Southeast Tennessee Development District, Local Planning Office staff based on the nature of the business.

8. Medical or dental clinics and hospitals.

Four (4) spaces per doctor, plus one (1) additional space per employee.

9. Service stations:

Five (5) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.

10. Offices:

One (1) space for each two hundred (200) square feet of office space.

11. Restaurants:

One (1) space per one hundred fifty (150) square feet of usable floor area, plus one (1) space for every two (2) employees. For drive-in restaurants, one (1) space per fifty (50) square feet of usable floor area.

12. Apartments and any other planned unit development:

One (1) space for each family dwelling unit. In addition there shall be paved guest parking provided at a ratio of one (1) space per two (2) units.

9.03B CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

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

9.03C COMBINATION OF REQUIRED PARKING SPACE

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

9.03D REMOTE PARKING SPACE

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 five hundred (500) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

9.03E 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 two hundred (200) square feet in area.
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 9.01.
4. The parking lot shall be drained to eliminate surface water.

9.04 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for industry, or business or trade in all districts shall provide space for the loading and unloading of vehicles off the street or public alley. This space shall not be considered as part of the space requirements for off-street automobile storage.

The Board of Zoning Appeals may hereafter reduce or increase these requirements in the interest of safety where unusual or special conditions are due consideration.

9.05 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent 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 description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and subject to the regulations of any district in which such use is located.

1. Carnival or circus:

May obtain a Temporary Use Permit in the C-1 district; however, such permit shall be issued for a period of not longer than fifteen (15) days.

2. Christmas tree sales:

May obtain a thirty (30) day Temporary Use Permit for the display of Christmas trees on open lots in any district.

3. Temporary buildings:

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

4. Temporary 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 Graysville 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-month extensions. Such office

shall be removed upon completion of the development of the subdivision or upon expiration of the Temporary Use Permit, whichever occurs sooner.

5. Religious tent meetings:

In the C-1 General Commercial District a Temporary Use Permit shall be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period.

6. Seasonal sale of farm produce:

In the C-1 General Commercial District and Mixed Use Town Center Districts, a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet.

7. Miscellaneous assemblies:

In any district, a Temporary Use Permit may be issued for any assembly such as an outdoor music, political rally, etc. Such permit shall be issued for not more than a seven (7) day period.

9.06 CUSTOMARY HOME OCCUPATIONS

A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the legality of specific home occupations the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction except piano instruction, tea rooms, tourist homes, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

9.07 GENERAL LOT RESTRICTIONS

The following general lot restrictions shall be complied with in all districts.

9.07A ONE (1) PRINCIPAL STRUCTURE FOR EACH LOT

1. Only one (1) principal building and its customary accessory building may be erected on any lot.

2. No building shall be erected on a lot which does not abut at least one (1) street for its entire frontage. No building shall be erected on a lot with less than twenty-five (25) foot frontage.

9.07B PUBLIC ROAD FRONTAGE REQUIRED

All principal structures shall be positioned on a buildable lot so that the front façade and front door face a dedicated street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks. Exceptions to this requirement shall only be considered by the Board of Zoning Appeals for Commercial and/or Industrial uses for which it can be shown that it will not detract from the general appearance of the area or unduly impose upon neighboring properties.

9.07C REDUCTIONS IN LOT AREA PROHIBITED

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose

9.07D REAR YARD ABUTS A PUBLIC STREET

When the rear yard of a lot abuts a public street all structures built in that rear yard shall observe the same setback from the street line 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.

9.08 VISION AT STREET INTERSECTIONS

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersections, there shall be no obstruction to vision between the height of two and one-half (2-1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

9.09 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations:

1. 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.
2. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
3. Sign requirements as established in Article IX, Section 9.11 shall be met.

9.10 SWIMMING POOL RESTRICTIONS

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard in the R-1, R-2, and R-3 Districts.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition.
3. Private swimming pools are permitted in R-1, R-2, and R-3 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.

9.11 SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

The purpose of this section is to regulate the location, type and structural requirements of outdoor advertising displays in the City of Graysville. The purpose of these regulations is to ensure compatible land uses, public safety, and adequate design standards.

9.11A SIGNAGE CLASSIFICATIONS

1. Spectacular Sign: These signs have advertising which is animated, wired for lights or luminous tubing, or both, with copy action controlled by the flashed circuit breakers or matographs.
2. Ground Signs: These signs are supported by uprights or braces in or upon the ground; or when such sign is mounted upon a vehicle, trailer, or mobile structure principally used for the purpose of advertising.
3. Roof Signs: Any sign erected, constructed, or maintained above the roof of any building.
4. Wall Sign: Any sign that is affixed to the wall of any structure, when such sign shall project not more than twelve (12) inches from the building.

5. Projection Sign: Any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than twelve (12) inches.
6. Marquee Sign: A projecting sign which is attached to or hung from a marquee.
7. Shingle Sign: A projection or wall sign not over six (6) square feet in area, constructed of metal or other non-combustible material attached securely to a building and not projecting more than twenty-four (24) inches over public property.
8. Off-Premise(s) Sign: Any sign or advertising display which illustrates or announces any activity, service or product that is provided at a location, other than the site upon which the sign or advertising display is located. For the purposes of this ordinance, off-premise signs do not include temporary campaign signs for elections for public office or public signs, as defined in this ordinance.
9. Public Sign: Any temporary or permanent sign erected and maintained by the City, County, State, or Federal Government for traffic direction or for the designation of or direction to any school, hospital, historical site, or public service, property or facility.

9.11B

GENERAL REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

1. No sign shall be erected where by reason of its position, wording, illumination, size, shape or color it may obstruct, impair, obscure, or interfere with the view of, or be confused with, any authorized traffic control sign, signal or device, nor in any way obstruct pedestrian traffic;
2. The building setback for ground signs shall be one-half the customary building setbacks for the various zoning districts. No ground signs will be permitted on sidewalks or within street rights-of-way;
3. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, or any other object within the right-of-way of any street;
4. No sign shall be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress;
5. All signs which extend over a sidewalk shall be at least nine (9) feet above the sidewalk;
6. Blue, red, and amber beacon or blue, red, and amber flashing lights are prohibited on any sign in the City of Graysville;

7. The Enforcement Officer may issue a permit for a non-illuminated temporary sign which he or she considers compatible with a temporary use permit. In no case shall the sign be more than thirty-two (32) square feet in size and must be removed at the termination of the temporary use permit.
8. The advertising display area of any sign in the City of Graysville shall not exceed one hundred twenty eight (128) square feet in area.
9. Temporary off-premise signs which display special events or activities, with the exclusion of banners placed over roadways, are permitted provided they are displayed no more than thirty (30) days prior to an event or no later than seven (7) days after an event. Special event signs must meet general regulations applicable to all zoning districts.
10. Off-premise signs that are located in recreational areas, such as signs located on outfield walls or dugouts on ball fields or scoreboard advertising displays are permitted. The Board of Zoning Appeals shall have the authority to limit the size of off-premise signs in recreational areas.
11. No building permit shall be issued for construction on property where a non-conforming sign is located. Any builder, owner or agent shall have the option of removing all non-conforming signs or altering all non-conforming signs so that they are in compliance with this ordinance, before the Enforcement Officer may be authorized to issue a building permit for construction on that site.
12. No building permit shall be issued for any additional, new or replacement sign on property where a non-conforming sign is located. Any builder, owner or agent shall have the option of removing all non-conforming signs or altering all non-conforming signs so that they are in compliance with this ordinance, before the Enforcement Officer may be authorized to issue a permit for additional, new or replacement sign.
13. Public signs shall be allowed in all zones.

9.11C SPECIFIC REGULATIONS FOR SIGN CLASSIFICATIONS:

1. Spectacular Sign:
 - a. These signs shall be illuminated with electricity only.
 - b. All spectacular signs shall be constructed of non-combustible materials.
 - c. All spectacular signs shall comply with the applicable provisions of the National Electric Code.

- d. Spectacular signs shall not be permitted within fifty (50) feet of a window for any residential structure.

2. Ground Signs:

- a. A ground sign supported by wood material shall not be at any point over twenty-four (24) feet above the ground level.
- b. Lighting reflectors may project beyond the face of the sign.
- c. The bottom coping shall be no less than three (3) feet above the ground which space may be filled with platford decorative trim or light wooden construction.
- d. Wherever anchors or supports of wood are embedded in the soil, the wood shall be pressure-treated with an approved preservative.
- e. The application for a permit to construct a ground sign must be accompanied by a certification from an architect or engineer stating that the sign is designed and shall be constructed in such a manner as to comply with Section 1205 - Wind Loads, of the Standard Building Code, Southern Building Code Congress International, Inc.
- f. All ground signs shall be in compliance with the provisions of the Tennessee Department of Transportation Rules and Regulations for the Control of Outdoor Advertising Authorization No. 0206 and any supplements thereto.
- g. All portable ground signs must be anchored to prevent them from being blown over by the wind and shall be located a minimum of twenty (20) feet from the pavement surface.

3. Roof Signs:

- a. All roof signs shall be so constructed as to leave a clear space of not less than six (6) feet between the roof level and the lowest part of the sign and shall have at least five (5) feet clearance between the vertical supports thereof; no portion of a roof sign structure shall project beyond an exterior wall.
- b. Every roof sign shall be constructed entirely of steel construction, including the upright supports and braces, except that only the ornamental lattice work may be of wood construction.
- c. The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building must be designed to bear the stress of these members.

4. Wall Sign:

- a. Wall Signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than three-eighths (3/8) inch in diameter and shall be embedded at least five (5) inches.

Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorage secured to unbraced parapet wall.

- b. Temporary cloth, wood, plastic, or synthetic signs with wood frames may be kept in place for a period not exceeding thirty (30) days.

5. Projection Sign:

- a. All projecting signs shall be constructed entirely of metal or other non-combustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, or chains.

- b. The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported with chains, guy-wires, or steel rods having net cross sectional dimension of not less than three-eighths (3/8) inch in diameter. Such supports shall be erected or maintained at an angle of at least forty-five (45) degrees with the horizontal to resist the dead load and at an angle of forty-five (45) degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds thirty (30) square feet in one facial area, there shall be provided at least two (2) such supports on each side not more than eight (8) feet apart to resist wind pressure.

- c. All supports shall be secured to a bolt or expansion screw that will develop the strength of the supporting chain, guy-wires or steel rod, with a minimum of five-eighths (5/8) inch bolt or lag screw, by an expansion shield. Turn buckles shall be placed in all chains, guy-wires or steel rods supporting projecting signs.

- d. Chains, cables, guy-wires or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

- e. A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed eighteen (18) inches may be erected to a height not exceeding two (2) feet above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

6. Marquee Sign:

- a. All marquee signs shall be constructed entirely of metal or non-combustible material and may be attached to, or hung from a marquee, and such signs when hung from a marquee shall be at least nine (9) feet at its lowest level above the sidewalk or ground level.
- b. Marquee signs shall not extend outside the line of a marquee.
- c. Marquee signs may be attached to the sides and front of a marquee, and such sign may extend the entire length and width of said marquee, provided such sign does not extend more than six (6) feet above, nor one (1) foot below such marquee.
- d. Under no circumstances shall a marquee sign have a vertical dimension greater than eight (8) feet.

7. Shingle Sign:

- a. The specific regulations for the projection and wall sign should also apply to the shingle sign.

9.11D SPECIFIC OUTDOOR ADVERTISING DISPLAY REGULATIONS FOR EACH ZONING DISTRICT

1. Signage Regulations for R-1 Residential District

- a. The following type ground signs are permitted in R-1 Residential Districts:
 - 1. Non-illuminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
 - 2. Non-illuminated signs not more than sixteen (16) square feet in area giving the names of the contractors, engineers, or architects during construction of a building.

3. Ground Signs on church, school, cemetery, or park grounds which serve the purpose of identifying the particular facility.
 4. All other ground signs are prohibited in the R-1 District.
- b. The following types of wall signs are permitted in R-1 residential Districts:
 1. Nameplates indicating the name and house number.
 2. Signs noting customary home occupations, provided the surface area does not exceed four (4) square feet.
 3. Church or school bulletin boards provided they do not exceed thirty-two (32) square feet in area.
 4. All other wall signs are prohibited in the R-1 District.
 - c. All other types of signs are prohibited in the R-1 District.
2. Signage Regulations for R-2 and R-2A Residential Districts
 - a. All signs which are permitted in the R-1 zone are permitted in the R-2 and R-2A District.
 - b. In addition to the signs permitted in the R-1 District, ground signs identifying an apartment building, townhouse development or professional office are permitted provided that the sign is not larger than thirty-two (32) square feet in area.
 - c. All other types of signs are specifically prohibited in the R-2 and R-2A District.
 3. Signage Regulations for the R-3 Residential Districts
 - a. All signs which are permitted in the R-2 and R-2A Districts are permitted in the R-3 zone.
 - b. In addition to the signs permitted in the R-2 and R-2A Districts, ground signs identifying manufactured home parks and travel trailer parks are permitted provided they do not exceed thirty-two (32) square feet in area.
 4. Signage Regulations for the C-1 General Commercial District
 - a. Spectacular Signs: are permitted in the C-1 District.
 - b. Ground Signs: are permitted in the C-1 District provided they do not exceed sixty (60) square feet in area.

- c. Roof Signs: are permitted in the C-1 District.
 - d. Wall Signs: are permitted in the C-1 District provided that the sign is no larger than one (1) square foot for each one linear foot of building frontage occupied by the establishment.
 - e. Projection Signs: are permitted in the C-1 District provided that they do not extend over the sidewalk more than two-thirds (2/3) the width of the sidewalk.
 - f. Marquee Signs: are permitted in the C-1 District.
 - g. Shingle Signs: are permitted in the C-1 District and the square footage requirement of the wall sign applies also to the shingle sign.
5. Signage Regulations for the MUTC Mixed Use Town Center
- a. All the signs permitted in the C-1 District are permitted in the MUTC District.
 - b. Ground signs: may contain up to 128 square feet.
 - c. Wall Signs: may contain two square feet for each one linear foot of building frontage occupied by the establishment.
6. Signage Regulations for the AG Agricultural District.
- a. All signs permitted in the R-1 District are also permitted by right in the AG District. Other signs may be permitted, subject to review and approval by the Board of Zoning Appeals.
7. Signage Regulations for Flood Hazard Areas
- a. As a general principal, signs should not be permitted within any floodway. All signs proposed in a designated floodplain shall be in compliance with the Municipal Flood Damage Prevention Ordinance.

9.11E BUILDING PERMIT REQUIRED

- 1. It shall be the responsibility of the developer to contact the TDOT Highway Beautification Office to determine whether the proposed sign is subject to the Outdoor Advertising Control Program, and to obtain any necessary permits as may be required.

Outdoor Advertising Control Program
 James K. Polk Building, Suite 400
 505 Deaderick Street
 Nashville, Tennessee 37243-0333
 Phone: 615-741-0805
 Fax: 615-532-5995

Note: Signs exempt from the TDOT Outdoor Advertising Control Program must still comply with the City's permitting requirements.

2. Unless exempted by the section 9.11E(3) below, all new signs whether permanent or temporary must have a sign permit which shall be issued by the Enforcement Officer. The sign permit number shall be noted in a permanent manner on each new sign.
3. The following signs shall be exempt from the permit requirement of Section 9.11E(2) above:
 - a. Temporary or portable signs and banners advertising a special event, provided the sign or banner does not extend over the pavement of any public road.
 - b. "For Sale" and "For Rent" signs.
 - c. Political signs and banners.
 - d. Name plates and house numbers affixed to individual mailboxes or residences.
 - e. Signage reasonably associated with yard or home décor in a residential district.
 - f. Flags of a nation, state, other political jurisdiction, governmental entity, or corporation.

Note: Signs exempt from the permitting requirement must still comply with all other provisions of this ordinance.

9.11F NON-CONFORMING SIGNS

Outdoor advertising displays which are non-conforming at the time of the passage of this ordinance shall be permitted to remain as long as they are properly maintained and are not considered to be a safety hazard. If a non-conforming advertising display ceases to display advertising matter for a period of one year or is damaged beyond fifty (50) percent of its replacement value, such sign shall be considered illegal and subject to removal as outlined in Section 9.11H.

9.11G OUTDOOR ADVERTISING DISPLAYS MUST BE MAINTAINED

All outdoor advertising displays must be maintained in such a manner so as to not to endanger the public's safety. Upon finding that a sign is a safety hazard, the Graysville Enforcement Officer shall give the owner of the property on which the sign is located a written notice, which shall outline the corrective measures that must be completed in a maximum of thirty (30) days. If at the end of thirty (30) days the sign has not been brought into compliance, it shall be subject to removal as outlined in Section 9.11H.

9.11H **PROCEDURES FOR REMOVAL OF ILLEGAL OR UNSAFE OUTDOOR ADVERTISING DISPLAYS**

A sign which is not in compliance with this ordinance shall be subject to removal. The procedures which the Enforcement Officer shall follow to have the illegal sign removed include:

1. The owner of the property on which the sign in question is located shall be given a written notice which shall include:
 - a. A statement as to why the sign is illegal;
 - b. A statement that the sign must be brought into compliance with this ordinance in thirty (30) days or the city will begin necessary court action to have the sign brought into compliance; and
 - c. A statement informing the property owner that he has the right to appeal the Enforcement Officer's decision to the Graysville Board of Zoning Appeals.
2. If at the end of the thirty (30) day period the sign has not been brought into compliance with this ordinance, removed, or an appeal made to the BZA, the Enforcement Officer shall turn this matter over to the city attorney who shall initiate the necessary legal steps. The Enforcement Officer shall also notify the property owner in writing that legal proceedings have been initiated to bring the sign in question into compliance with this ordinance.

9.11I **ABANDONED/UNUSED SIGNS**

1. Definition: An unused or abandoned sign is a sign which meets any of the following criteria:
 - a. A sign which identifies or advertises an establishment, business, goods, services, lessor, owner or lessee which is no longer provided on the premises where the sign is located; or
 - b. A sign which identifies a time, event, activity, or purpose which has passed or no longer applies; or
 - c. Sign structures with or without a sign; or
 - d. A sign for which no legal owner can be found.
2. Disposition:
 - a. Any sign which is defined under paragraph 1 (a), (c), or (d) of this section and which condition exists for a period of thirty (30) days and which sign is otherwise nonconforming or conforming shall be removed by the

owner/user/lessee/lessor/property owner within five (5) days of the end of the thirty (30) day period.

b. Any sign defined under paragraph 1 (b) of this section shall be removed by the owner/user/lessee/lessor/property owner within three (3) days from the time the event or purpose has passed or no longer applies.

c. Removal:

1. When Required: Any illegal, nonconforming, or unused sign which is not removed from the premises by the owner/user/lessee/lessor/property owner within the time frames prescribed in this Section shall be subject to removal by the Enforcement Officer or his designee in accordance with the provisions and procedures detailed in this subsection. Any illegal, nonconforming, or unused sign which is not removed from the premises by the owner/user/lessee/lessor/property owner within the time frames prescribed herein shall also be considered a violation of the provisions of this Ordinance and shall be subject to the maximum penalties allowed by law. Each day such violation continues shall constitute a separate offense.

2. Removal by Authorities: Upon failure of owner/user/lessee/lessor/property owner to comply with the specified time requirements as set forth in this Section, the Enforcement Officer is hereby authorized to cause such illegal, nonconforming or unused sign to be removed and any expense attendant thereto shall be paid by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which the sign is located. In the event that said removal or alteration expense remains unpaid for more than thirty (30) days after said removal or alteration is performed and expense incurred by the City and a bill for same was mailed to the permittee or owner by first-class, certified, or registered mail, said unpaid charge shall constitute a lien upon the real estate, and the City Attorney is hereby authorized, in accordance with the law, to file a notice of lien in the office of the County Clerk to foreclose this lien, and to sue the owner of the real estate or sign permittee, or their agents, in a civil action to recover the money due for the

foregoing service, plus all its costs as hereinafter more fully described, together with reasonable attorney's fees to be fixed by the court. Any such judgment shall be enforced in accordance with law. Included in the expenses recoverable by the City, shall be the costs of filing the notice of lien, foreclosing said lien and all litigation costs, together with all office and legal expenses incurred in connection with collection of the amount due hereunder.

Any sign removed by the Enforcement Officer, pursuant to the provisions herein contained, shall become the property of the City and may be disposed of in any manner deemed appropriate by the City.

3. Failure to Remove: A failure to remove any illegal, nonconforming, or unused sign and subsequent failure by the Enforcement Officer to duly notify the owner/user/lessee/lessor/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Ordinance, nor shall such inaction be deemed to constitute a determination that any such sign is legal, in conformity with this Ordinance, or to be given any special status. If, through administrative neglect or inaction, any owner/user/lessee/lessor/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/lessee/lessor/property owner shall take action to either correct the illegality, nonconformity, or nonuse, or shall cause the sign to be removed within twenty (20) days of such notification.
4. Appeals: Any abandoned/unused sign as defined under paragraph 1 of this section may be allowed to remain upon review and approval by the Graysville Board of Zoning Appeals in accordance with the provisions of Section 12.08.

9.12 STANDARDS FOR A BED AND BREAKFAST

The following standards shall apply for all bed and breakfast establishments:

1. There shall be no more than eight (8) guest rooms and no guest shall stay for more than fourteen (14) consecutive days.

2. A current register shall be kept by the owner.
3. The owner of operator must reside on the premises.
4. Required off-street parking shall be located to the rear of the principal structure.
5. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
6. No food preparation or cooking for guests shall be conducted within any bedroom made available for guests.
7. No alterations to the residential structure shall indicate from the exterior that the structure is being utilized for any other purpose other than a residential dwelling unit, including permitted accessory buildings.
8. Minimum off-street parking shall be available to accommodate one (1) vehicle per guest room.
9. The provisions of Tennessee Code Annotated, Section 68-14-501 through 68-14-503 shall be met.

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

SECTION

- 10.01 SCOPE
- 10.02 NON-CONFORMING USES
- 10.03 EXCEPTIONS TO NON-CONFORMING USES
- 10.04 EXCEPTIONS TO HEIGHT LIMITATIONS
- 10.05 LOTS OF RECORD
- 10.06 EXCEPTIONS TO FRONT SETBACK REQUIREMENT
- 10.07 ABSOLUTE MINIMUM LOT SIZE
- 10.08 EXCEPTIONS TO SETBACK REQUIREMENTS

10.01 SCOPE

Article X of this ordinance is devoted to the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Article IX.

10.02 NON-CONFORMING USES

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of non-conforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

1. A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to additional land after the effective date of this ordinance.
2. When a non-conforming use of any structure of land, excepting non-conforming mobile homes or mobile home parks, has been discontinued, it shall be not be re-established or changed to any use not in conformity with the provisions of this ordinance. Upon the lapse of ninety (90) calendar days after the removal of a non-conforming mobile home or discontinuance of a non-conforming mobile home park, the non-conformity of such structures and use of land shall lapse.

3. Any non-conforming building or non-conforming use which is damaged by fire, flood, wind, or other act of God or man may be reconstructed and used as before if the proper permits have been obtained from the Graysville Building Inspector within twelve (12) months of such damage. After twenty-four (24) months, the use of the property should conform to the requirements of the zoning district if the structure has not been reconstructed or under construction.
4. A non-conforming building or non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
5. When the operation of a non-conforming industrial, commercial, or other business establishment is discontinued the building and land shall lose its status as a non-conforming use and shall not be entitled to any special exceptions except as provided for in the Tennessee Code Annotated 13-7-208.

10.03 EXCEPTIONS TO NON-CONFORMING USES

All districts shall comply with the **Tennessee Code Annotated** Section 13-7-208 **Enforcement of Ordinances - Remedies:**

The chief legislative body may provide for the enforcement of any ordinance enacted under this chapter. A violation of any such ordinance is hereby declared to be a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any ordinance enacted under this chapter, the building commissioner, municipal counsel or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted provided that no change in the use of the land is undertaken by such industry or business except as provided for in the Tennessee Code Annotated 13-7-208.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

The provisions of the preceding three (3) paragraphs shall apply only to land owned and in use by such affected business, and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land.

10.04 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this ordinance can be exceeded provided the following conditions are met.

1. The developer must present at the time he applies for a building permit a copy of the building plans which have been approved by the Graysville Fire Chief. These plans must show all of the following:

- a. A wet standpipe riser with one and one-half (1-1/2) inch fire hose connections;
- b. A wet automatic sprinkler protection system for the entire building;
- c. Enclosed exit stairways;
- d. Smoke and heat detection units; and
- e. Any other fire protection and prevention requirements which the Fire Chief feels are necessary for the building.

The design and installation of these fire protection measures must be in conformance with the National Fire Protection Association Standards (NFPA).

2. Before the building can be occupied the developer must secure a statement from the Fire Chief that the fire protection system has been installed according to the plans and that the system is functioning properly.
3. 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, flagpoles, radio towers, masts, and aerials.

10.05 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

1. 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 is possible. (Refer to Section 10.07)
2. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open spaces 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 hereof shall again be considered as a yard, court, or other open space for another building.
3. Where two or more lots of record with a continuous frontage are under the same ownership or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more

building sites meeting the minimum requirements of the district in which they are located.

10.06 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

The front setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line. Any exception to the front building setback requirements shall be first approved by the Graysville Board of Zoning Appeals.

10.07 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose total lot area is less than seven thousand (7,000) square feet.

ARTICLE XI

SITE PLAN REQUIREMENTS

SECTION

- 11.01 DEFINITIONS
- 11.02 APPROVED SITE PLAN REQUIRED TO ERECT BUILDINGS
- 11.03 APPROVED SITE PLAN REQUIRED TO ENLARGE BUILDINGS
- 11.04 APPROVED SITE PLAN REQUIRED TO DISTURB LAND
- 11.05 DEVELOPMENT ACCORDING TO SITE PLAN
- 11.06 PERMITS NOT TO BE ISSUED WITHOUT APPROVED SITE PLAN
- 11.07 SITE PLAN SUBMISSION
- 11.08 SITE PLAN REQUIREMENTS
- 11.09 EXCEPTIONS
- 11.10 APPEALS
- 11.11 PENALTIES

11.01 DEFINITIONS

For the purpose of this section the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

CITY

The City of Graysville, Tennessee.

SITE PLAN:

A plan delineating the overall scheme of development of tract of land, including but not limited to grading, engineering design, construction details, and survey data, for existing and proposed improvements, size, height, shape, and location of buildings, location and design of parking areas, pedestrian and vehicular circulation on site, and circulation for emergency apparatus.

11.02 APPROVED SITE PLAN REQUIRED TO ERECT BUILDINGS

Except as hereinafter provided in Section 11.09 "Exceptions," it shall be unlawful for any person to construct or erect any building or structure on any land within the city until a site plan has been submitted and approved in accordance with the provisions of this article.

11.03 APPROVED SITE PLAN REQUIRED TO ENLARGE BUILDINGS

Except as hereinafter provided in Section 11.09 "Exceptions," it shall be unlawful for any person to alter any building or structure on any land within the City of Graysville, Tennessee, in such a manner as to increase the floor area or change the land area

covered by the building or structure until a site plan has been submitted and approved in accordance with the provisions of this article.

11.04 APPROVED SITE PLAN REQUIRED TO DISTURB LAND

Except as hereinafter provided in Section 11.09 "Exceptions," it shall be unlawful for any person to alter the grade of any land in such a manner as to change the contours in excess of two feet within ten feet of adjacent land, or in excess of three feet elsewhere, construct any streets, alleys, sidewalks, curbs or gutters, build any retaining walls, construct any off-street parking facility, construct any drain or sewer, or change or divert the flow of storm water or natural watercourses until a site plan has been submitted and approved in accordance with this article.

11.05 DEVELOPMENT ACCORDING TO SITE PLAN

It shall be unlawful for any person to construct, erect, or alter any building or structure or to develop, change, or improve land for which an approved site plan is required by this article, except in accordance with the approved final site plan.

11.06 PERMITS NOT TO BE ISSUED WITHOUT APPROVED SITE PLAN

No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this article until a site plan has been submitted and approved in accordance with the provisions of this article.

11.07 SITE PLAN SUBMISSION

The owner or developer shall submit three (3) copies or as many as may be required by the planning commission or designated city engineer of his proposed site plan five days prior to his intended date of site alterations. The planning commission or designated city engineer shall consider the site plan in light of the provisions of this article and approve or disapprove same as required; the plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the planning commission or designated city engineer.

11.08 SITE PLAN REQUIREMENTS

1. The site plan shall show the following:
 - a. Name of development or address
 - b. Name and address of owner of record and the applicant
 - c. Present zoning of the site and abutting property
 - d. Date, scale, and north point with reference to source of meridian

- e. Courses and distances of center lines of all streets and all property lines
 - f. All building restricting lines, highway setback lines, easements, covenants, reservations, and rights-of-way
 - g. The total land area
 - h. Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed lines illustrating two foot or five foot contours as required by the planning commission or designated city engineer and by spot elevations where necessary to indicate flat areas, as based on U.S.C. and G.S. datum.
2. The site plan shall show the location of the following when existing:
- a. Number of dwelling units
 - b. Number of parking spaces
 - c. Number of loading spaces
 - d. Square feet of floor space
 - e. Number of commercial or industrial tenants and employees
 - f. Plans for collecting storm water and methods of treatment of natural and artificial watercourses including a delineation of limits of floodplains
 - g. Proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas, and ground flood elevations of proposed buildings and structures, proposed topography of site shall be shown by two or five foot contours as required by the planning commission or designated city engineer.
3. The site plan shall include an adequate erosion control plan.
4. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the Fire Chief or designated engineer emergency vehicle easements shall be provided.

11.09 EXCEPTIONS

The provisions of Sections 11.02, 11.03, and 11.04 shall not apply to:

1. Single-family dwellings, two-family dwellings, accessory buildings thereto, or to the land on which they are situated or proposed.
2. Additions to buildings where the total gross floor area of the proposed addition does not exceed one third (1/3) of the total gross floor area of the existing building or one thousand (1,000) square feet, whichever is smaller.
3. New buildings where the total gross floor area does not exceed one thousand (1,000) square feet, provided there is no alteration of drainage flow of land or grading exceeding cut or fill of one (1) foot, the site is not in floodplain, and the site is not in excess of ten thousand (10,000) square feet.
4. Improvements for off-street parking purposes when appurtenant only to existing buildings and where access will be provided by existing driveways, provided such improvement does not provide more than five (5) additional parking spaces.
5. Grading of open area, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided that the removal of existing vegetation does not exceed three (3) acres and the designated city engineer finds on inspection of the site that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels or floodplains, and will not cause problems of erosion, ponding, and/or silting on adjoining properties.

11.10 APPEALS

If an applicant determines that his site plan has been unjustly disapproved or that the planning commission or designated city engineer has made requests for conformity to standards other than those set forth in this ordinance, he may appeal the decision of the planning commission or designated city engineer to the Graysville Board of Zoning Appeals in accordance with Section 12.08B.

11.11 PENALTIES

As regulated in Section 12.12.

ARTICLE XII

ADMINISTRATION, ENFORCEMENT, PENALTIES AND AMENDMENTS

SECTION

- 12.01 ADMINISTRATION OF THE ORDINANCE
- 12.02 THE ENFORCEMENT OFFICER
- 12.03 BUILDING PERMITS
- 12.04 TEMPORARY USE PERMITS
- 12.05 CERTIFICATE OF OCCUPANCY
- 12.06 CERTIFICATE OF FIRST FLOOR ELEVATION AND/OR FLOODPROOFING REQUIREMENTS
- 12.07 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW
- 12.08 BOARD OF ZONING APPEALS
- 12.09 VARIANCES
- 12.10 AMENDMENTS TO THE ORDINANCE
- 12.11 REMEDIES
- 12.12 PENALTIES FOR VIOLATIONS
- 12.13 CONFLICT WITH OTHER REGULATIONS
- 12.14 SEPARABILITY
- 12.15 EFFECTIVE DATE

12.01 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 matters of 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 herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

12.02. THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered by the Graysville City Recorder. The City Recorder shall administer and enforce this ordinance and, in addition, the City Recorder shall:

1. Upon recommendation by the Building Inspector, issue all Building Permits and make and maintain records thereof;
2. Upon recommendation by the Building Inspector, issue all Certificates of Occupancy and make and maintain records thereof;

3. Upon recommendation by the Building Inspector, issue all Certificates of First Floor Elevation and/or Floodproofing and make and maintain records thereof;
4. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof;
5. Maintain and keep current zoning maps and records of amendments thereto;
6. 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 and provide recommendations to the City Recorder.

12.03 BUILDING PERMITS

1. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or fill or excavate land lying within any flood hazard areas, or to erect, or construct a sign of any description, or to install or alter fire-extinguishing apparatus, elevators, engines, or to install a steam boiler, furnace, heater, incinerator, or other heat producing apparatus, or other appurtenances, the installation of which is regulated by this code, or to cause any such work to be done in excess of two hundred (200) dollars shall first make application to the City Recorder and obtain the required permit therefor.
2. A general permit shall carry with it the right to install in any building or structure, or part thereof, heating apparatus, elevators, sidewalk elevators, vaults, chutes, coal holes, lifts, cranes, derricks, steam power boilers, steam, oil, gas or vapor engines, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit; but where these are not shown on the drawings and covered by the specifications submitted with said application, special permits shall be required.
3. Ordinary minor repairs may be made with the approval of the Building Inspector without a permit provided that such repairs shall not violate any of the provisions of this code.
4. An application for a building permit shall be made in duplicate to the City Recorder on forms furnished by the City Recorder and, where applicable, be accompanied by a site plan or plat in duplicate drawn to scale showing the information listed.

The application for a Building Permit for excavation, filling, construction, moving or alteration shall be accompanied by a plan

or plat drawn to a scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, filling, construction, moving or alteration is in conformance with this ordinance.

- a. The actual shape, location, and dimensions of the lot to be built upon;
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;
- c. The existing and intended use of all such buildings or other structures;
- d. Location and design of off-street parking and off-street loading area. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
- e. In areas that are subject to flooding, the following additional information is required:
 - i. Elevation in relation to Mean Sea Level (MSL) of the lot;
 - ii. MSL elevation of the lowest floor, including basement, of all structures; and
 - iii. MSL elevation to which any non-residential structure is proposed to be floodproofed.
- f. The location of the foregoing in relation to any stream within the vicinity.

If the proposed excavation, filling, construction, moving or alteration as set forth in the application is in conformity with the provisions of this ordinance, the City Recorder, upon recommendation by 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 as waiving any provisions of this ordinance and building permits shall be void after six (6) months from date of issuance unless substantial progress on the project has been made by that time. A copy of the plan or plat will remain on file at the Graysville City Hall.

5. In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system (**Tennessee Code Annotated** Section 68-126-412) and electrical permit (**Tennessee Code Annotated** Section 68-102-147) is required and obtainable from the appropriate state inspector.

6. Homeowners have sixty (60) days from the date of permit to have the mobile home anchored and ready for utility hookups or the permit becomes void.

12.04. TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Graysville City Recorder. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on forms provided for that purpose.

12.05 CERTIFICATE OF OCCUPANCY

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the City Recorder 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 three (3) working days after notification that a building or premises or part thereof is ready for occupancy or use it shall be the duty of the Building Inspector to make a final inspection thereof and to provide a recommendation to the City Recorder to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused to state the refusal in writing with the cause for such refusal.

12.06 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW

The following 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.

This procedure shall also be used in submitting Special Exceptions for Board of Zoning Appeals review.

12.06A APPLICATION

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board of Zoning Appeals may require.

12.06B RESTRICTIONS

In the exercise of its approval, the Planning Commission 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.

12.06C VALIDITY OF PLANS

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

12.06D TIME LIMIT

All applications reviewed by the Board of Zoning Appeals 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.

12.07 BOARD OF ZONING APPEALS

A Graysville Board of Zoning Appeals is hereby established in accordance with 13-705 through 13-707 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members appointed by the Mayor. The membership shall consist of one (1) designated member of the Planning Commission who is not an elected official, and two (2) members appointed at large. The board members shall be appointed to three (3) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

12.08A 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 thereon which shall be public records.

12.08B APPEALS TO THE BOARD

An appeal to the Graysville Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, 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 made by filing an application with the Board of Zoning Appeals. A notice specifying the grounds for denial shall accompany the application for appeal. 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 not to exceed thirty (30) days 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.

12.08C POWERS OF THE BOARD

The Board of Zoning Appeals shall have the following powers as defined in the Tennessee Code Annotated 13-7-207:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or any other administrative official in the carrying out or enforcement of any provisions of any ordinance enacted pursuant to this chapter.
2. To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.
3. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

A variance is as defined in Section 12.09.

12.09 VARIANCES

The purpose of the variance provision 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 of the land, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance. **THE VARIANCE SHALL NOT BE USED TO REZONE.**

12.09A APPLICATION

After written denial of a permit a property owner may make application for a variance using the standard form made available by the Board of Zoning Appeals.

12.09B 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 hardships which act to deprive the property owner of the reasonable use of his land. 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.

12.09C STANDARDS FOR VARIANCES

In granting a variance the Board shall ascertain that the following criteria are met as outlined in Section 3 of the Tennessee Code Annotated 13-7-207:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

MERE LOSS OF A VALUE SHALL NOT JUSTIFY A VARIANCE. THERE MUST BE A DEPRIVATION OF BENEFICIAL USE OF LAND.

The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying thereof.

12.10. AMENDMENTS TO THE ORDINANCE

12.10A GENERAL

The City Commission may, from time to time, amend this Ordinance by changing the boundaries of districts or by changing any other provisions wherever it is alleged that there was an error in the original Zoning Ordinance or whenever the public necessity, convenience, and general welfare require such amendment.

12.10B INITIATION OF AMENDMENT

Amendments may be initiated by the City Commission, the Planning Commission, or by all of the owners of property affected by the proposed amendment.

12.10C APPLICATION FOR AMENDMENT--FEE

An application for an amendment shall be accompanied by a fee of twenty-five (25) dollars payable to the City of Graysville. The application shall be made on the Appeal for Modification of Zoning Ordinance form in the appendix and shall also be accompanied by maps, drawings, a petition signed by the owners affected by the proposed amendment, and data necessary to demonstrate that the proposed amendment is in general conformance with the General Plan of the City of Graysville and that public necessity, convenience, and general welfare require the adoption of the proposed amendment. An accurate legal description and scale drawing of the land and existing buildings shall be submitted with the application.

12.10D REVIEW AND RECOMMENDATION BY THE PLANNING COMMISSION

The Planning Commission shall review and make recommendations to the City Commission on all proposed amendments to the Ordinance.

12.10E GROUNDS FOR AN AMENDMENT

The Planning Commission in its review and recommendation and the City Commission in its deliberations shall make specific findings with regard to the following grounds for an amendment and shall note the same in the official record as follows:

1. The amendment is in agreement with the general plan for the area;
2. It has been determined that the legal purposes for which zoning exists are not contravened;
3. It has been determined that there will be no adverse effects upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public and
5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan and, consequently, the zoning map.

12.10F PUBLIC HEARING AND NOTICE OF HEARING

A public hearing shall be held on all proposed amendments to this Ordinance. Notice of such hearing shall be in a newspaper of general circulation within the City of Graysville at least fifteen (15) days prior to the hearing. This notice shall specify the location, time, current and proposed zoning classification, and it may contain a graphic illustration of the area.

12.10G NOTICE OF ENACTMENT

Upon enactment of an amendment to the Ordinance the ordinance shall receive the favorable vote of a simple majority of the membership of the City Commission.

If the amendment is disapproved by the Planning Commission it shall receive the favorable vote of a majority of the entire membership of the City Commission.

12.10H AMENDMENTS AFFECTING ZONING MAP

Upon enactment of an amendment to the zoning map which is part of this Ordinance the City Commissioners shall cause such amendment to be placed upon the zoning map noting thereon the Ordinance Number and effective date of such amendatory Ordinance. Such amendment shall not become effective until this action is accomplished.

12.10I EFFECT OF DENIAL OF APPLICATION

Whenever an application for an amendment to the text of this Ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one (1) year following such denial except in the following cases:

1. Upon initiation by the City Commission or Planning Commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made; or,
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

12.11 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 specially 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, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

12.12 PENALTIES FOR VIOLATIONS

Upon conviction any person violating any provision of this ordinance shall be fined not less than two (2) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

12.13 CONFLICT WITH OTHER REGULATIONS

When the regulations of this ordinance require more restrictive standards than are required in or under any other statute the requirements of this ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this ordinance the provisions of such statute shall govern.

12.14 SEPARABILITY

Should any section or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the facility of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

12.15 EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.