

## ORDINANCE

**AN ORDINANCE PURSUANT TO THE AUTHORITY GRANTED BY SECTION 13-704 OF THE TENNESSEE CODE ANNOTATED, TO AMEND THE ZONING ORDINANCE OF LENOIR CITY, TENNESSEE, AS SPECIFIED IN TITLE 11 OF THE LENOIR CITY MUNICIPAL CODE BEING AN ORDINANCE ADOPTED FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF LENOIR CITY, TENNESSEE; TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE REQUIRED OPEN SPACES, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS AND STRUCTURES: TO PROVIDE FOR REGULATING LAND SUBJECT TO SEASONAL OR PERIODIC FLOODING AND AS WILL SECURE TO THE CITIZENS OF LENOIR CITY THE ELIGIBILITY FOR FLOOD INSURANCE UNDER PUBLIC LAW 1016, 84TH CONGRESS, OR SUBSEQUENT RELATED LAWS OR REGULATIONS PROMULGATED THEREUNDER; PROVIDING FOR AMENDMENTS AND VARIANCES; TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF**

**WHEREAS**, the Lenoir City Regional Planning Commission, in accordance with Section 13-704 of the Tennessee Code Annotated, has recommended the following changes in Title 11 of the Lenoir City Municipal Code, more commonly known as the "Zoning Ordinance of the City of Lenoir City, Tennessee," and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Lenoir City, Tennessee in accordance with Section 13-703 of the Tennessee Code Annotated, held a public hearing giving a fifteen (15) day notice thereof in the "Lenoir City News," being a newspaper of general circulation in the City of Lenoir City;

**NOW, THEREFORE BE IT ORDAINED** by the Board of Mayor and Aldermen of the City of Lenoir City, Tennessee, that:

Section 1. Chapters 2 through 9 of Title 11 of the Lenoir City Municipal Code are hereby amended as follows:

**CHAPTER 2**  
**ZONING CODE**

SECTION

**11-201. Title**

**11-202. Purpose**

**11-203. Zoning Map**

**11-204. Definitions**

**11-201. Title.** Chapters two (2) through nine (9) of Title 11 of the “Lenoir City Municipal Code” shall be known as the Zoning Ordinance of the City of Lenoir City.

**11-202. Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other considerations, as to the character of each district, and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

**11-203. Zoning Map.** The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled “Zoning Map of Lenoir City, Tennessee,” adopted \_\_\_\_\_, and certified by the city recorder. This map with all explanatory matter thereon is hereby adopted and made a part of this ordinance.

**11-204. Definitions.** For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the term "shall" is always mandatory and not directory; 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."

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

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

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

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

ADULT BOOKSTORE: An establishment with 1% or more of its sales attributable to books, magazines, motion pictures, videos, periodicals and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or Specified Anatomical Areas” (as defined herein) for the sale to or for the observation by patrons therein.

ADULT MOTION PICTURE THEATER: A public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined herein) for the observation by patrons therein.

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

AGRICULTURE USE: Includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, forests, and woods, provided, however, all health ordinances of the City of Lenoir City are complied with.

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

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

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

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

BILLBOARD: A billboard is an off-premise object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public right of way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns for residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

BOARD: The Lenoir City Board of Zoning Appeals.

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

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

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

**BUILDING INSPECTOR:** The Lenoir City Building Inspector, the office of which is established by this ordinance, and whose appointment is made by the chief appointing authority of the city.

**BUILDING SETBACK LINE:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

**BUILDING SETBACK LINE, FRONT:** A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

**BUILDING SETBACK LINE, REAR:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

**BUILDING SETBACK LINE, SIDE:** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

**CABARET:** Any restaurant, bar, dance hall, night club or other such public place which features exotic dancers, strippers, male or female impersonators or similar entertainers.

**CLINIC:** See medical facility.

**COMMERCIAL FEED LOT:** Any parcel of land on which 100 or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

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

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

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

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

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

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

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

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

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

FLOODWAY FRINGE AREAS: Areas adjacent to a floodway zone that are below the elevation of the regional flood and/or the structure profile. The elevation of the TVA Structure Profile shall be determined by the chart "High Water Profiles, Tennessee River, vicinity of Lenoir City, Tennessee," (TVA April, 1964), which chart is made a part of this ordinance. The elevation of the regional flood shall be determined by the chart "High Water Profiles, Town and Muddy Creeks, vicinity of Lenoir City, Tennessee." (TVA, April, 1964) which chart is made a part of this ordinance.

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

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

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

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

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

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

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

HEALTH DEPARTMENT: The Loudon County Health Department.

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

HOME OCCUPATION: See Section 11-603.

HOSPITAL: See medical facilities.

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

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

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

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

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

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

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

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

MANUFACTURED HOME COMMUNITY: Any single plot or tract of land of five or more acres where 15 or more manufactured or mobile homes are located on sites which are leased or rented to the homeowner by the land owner and other rental services are provided and which has been approved by the Lenoir City Board of Zoning Appeals.

MASSAGE: Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, or body paint to any person.

MASSAGE PARLOR: Any premise, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage service or procedure. This definition shall not apply nor be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist.

MEDICAL FACILITIES:

**Convalescent, Rest or Nursing Home:** A health facility where persons are housed and furnished with 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.

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

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

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

**MINOR:** Any person less than eighteen years of age.

**MOBILE HOME OR TRAILER:** A vehicular, portable structure built on a chassis, designed for year-round occupancy and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.

**MODULAR STRUCTURE:** A structure of a permanent nature constructed partially or completely in a manufacturing facility to exclude factory-manufactured mobile homes - constructed as a single self-contained unit and mounted on a single chassis.

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

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

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

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

**PARKING SPACE:** An off-street space available for parking one motor vehicle and having an area of not less than two hundred 190 square feet (10 x 19) exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

**PLANNING COMMISSION:** The Lenoir City Regional 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.

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

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

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the State Department of Public Health and the Public Service Commission.

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Public Health and the Public Service Commission.

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.

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

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

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

SEXUALLY ORIENTED ADULT BUSINESSES: Retail uses devoted to the sale, distribution, viewing or provision of services that are characterized by emphasis upon the depiction of "Specified Sexual Activities: or "Specified Anatomical Areas", herein defined. Sexually oriented adult businesses include, but are not limited to, adult bookstores, adult night clubs/bars, adult motion picture theaters, cabarets, massage parlors, adult theaters, and all other businesses which regularly feature materials, acts or displays involving sexual excitement or enticements.

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

SIGN, ON-PREMISE: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

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

SPECIFIED ANATOMICAL SEXUAL AREAS:

- a) Less than completely and opaquely covered human genitals, pubic region, buttocks or anus.
- b) Human female breasts below a point immediately above the top of the areola, even if completely and opaquely covered; or

- c) Human male genitals in a discernibly rigid state even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITY:**

- a) Human genitals in a state of actual or simulated sexual stimulation or arousal;
- b) Acts of actual or simulated human masturbation, sexual intercourse or sodomy;
- c) Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- d) Sexually oriented torture, beating or the infliction of pain;
- e) Erotic touching, fondling or other such contact with an animal by a human being; or
- f) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth above.

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

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

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

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

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

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

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

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

YARD: A yard is an open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

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

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

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

## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION

##### **11-301. Scope**

##### **11-302. Zoning Affects Every Building and Use**

##### **11-303. Continuance of Nonconforming Uses and Structures**

##### **11-304. Only One (1) Principal Building on Any Lot**

##### **11-305. Lot Must Abut a Public Street**

##### **11-306. Reduction in Lot Area Prohibited**

##### **11-307. Obstruction to Vision at Street Intersection Prohibited**

##### **11-308. Off-Street Automobile Storage**

##### **11-309. Access Control**

##### **11-310. Off-Street Loading and Unloading Space Required**

##### **11-311. Maximum Building Height**

##### **11-312. Site Plan Review**

**11-301. Scope.** For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

**11-302. Zoning Affects Every Building and Use.** No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by the district in which it is located, except as hereafter provided.

**11-303. Continuance of Nonconforming Uses and Structures.** It is the intent of the zoning ordinance to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the zoning ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions contained herein. It is also the intent of the zoning ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, building and structures existing at the time of the passage of the zoning ordinance or any amendments thereto, shall be allowed to remain subject to the following provisions:

1. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification or to a nonconforming use of a more restrictive classification; provided, however, that establishment of another nonconforming use of the same or more restrictive classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
2. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of the zoning ordinance. A nonconforming use of a building or buildings except commercial or industrial uses shall not be enlarged to either additional land or buildings after the effective date of the zoning ordinance.

Industrial and commercial uses may be permitted to construct additional facilities provided that there is a reasonable amount of space for such construction on the property owned by such industry or business. "Reasonable amount of space" is defined as that area necessary so that the additional building(s) shall conform to all appropriate provisions of the zoning

ordinance and shall not, in the opinion of the Board of Zoning Appeals, be detrimental to adjoining property.

3. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of the zoning ordinance.
4. Any nonconforming building or nonconforming use, which is damaged by fire, wind, or other act of nature, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to the extent of more than 75 percent of its fair sales value immediately prior to damage in which case any repair or reconstructions shall be in conformity with the provisions of the zoning ordinance; provided that a structure being utilized for industrial or commercial purposes may be demolished and new facilities necessary to the conduct of such business or industry reconstructed if there is a reasonable amount of space for such reconstructions on the property owned by such business or industry. "Reasonable amount of space" is defined as that area necessary so that the reconstructed building(s) shall conform to all appropriate provisions of the zoning ordinance, and shall not, in the opinion of the Board of Zoning Appeals, be detrimental to adjoining property; and, further provided that nonconforming structures within the Floodway (F-1) district which have been damaged to the extent of 50 percent or more of its market value shall not be repaired or reconstructed except in conformity with the provisions of this ordinance, including compliance with floodproofing standards as specified in 11-411.
5. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of the zoning ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

**11-304. Only One Principal Building on Any Lot.** Only one (1) principal building and its customary accessory buildings may be erected on any lot. This provision does not prohibit group housing developments as permitted elsewhere in this ordinance.

**11-305. Lot Must Abut a Public Street.** No building shall be erected on a lot which does not abut at least one (1) publicly approved street for a distance of at least twenty-five (25) feet.

**11-306. Reductions in Lot Area Prohibited.** No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**11-307. Obstruction to Vision at Street Intersection Prohibited.** On a corner lot, not in the central business district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of thirty (30) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and between 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.

**11-308. Off-Street Automobile Storage.**

1. In all districts except the C-2 Central Business District, there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals.
  - a. Single and two-family dwellings: No less than two (2) spaces for each dwelling unit.
  - b. Multiple-family dwellings: Not less than two (2) spaces per dwelling unit.
  - c. Boarding houses and rooming houses: Not less than one (1) space for each one (1) room to be rented.
  - d. Hotels, motels and other tourist accommodations: Not less than one (1) space for each room to be rented plus one (1) additional space for each three (3) employees.
  - e. Manufacturing, industrial or wholesaling use: Not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment.
  - f. Commercial building or use: Not less than one (1) space for each two hundred fifty (250) square feet of sales floor area.
  - g. Shopping centers: Not less than one (1) space for each two hundred and fifty (250) square feet of gross floor area.
  - h. Medical or dental clinics: Four (4) spaces per doctor or dentist or one (1) space for each two hundred (200) square feet of usable floor space, whichever is greater.
  - i. Hospital: One (1) space for each bed intended for patients use, exclusive of bassinets.
  - j. Automobile service stations: One (1) space for each 1,500 square feet of lot area or fraction thereof.
  - k. Theaters, auditoriums, churches, stadiums, or other uses designed to draw an assembly of persons: Not less than one (1) space for each five (5) seating spaces provided in the main meeting hall or place.
  - l. General or Professional Offices: One (1) space for each three hundred (300) square feet of gross floor space.
  - m. Restaurants: One (1) space per one hundred (100) square feet of floor area. For drive-in restaurants, one (1) space per fifty (50) square feet of floor area.

- n. School: For elementary, junior high and equivalent private or parochial schools, one (1) space for each faculty member and employee; for secondary schools and institutions of higher learning, one (1) for each faculty member and employee plus one (1) for each ten (10) students.
  - o. Manufactured home communities: Two (2) spaces for each mobile home space provided.
  - p. Public or private clubs: One (1) space for each two hundred (200) square feet of gross floor area.
2. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements are met.
3. Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot, however, the required space assigned to one (1) use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
4. Remote parking space. If the off-street parking space required by the zoning ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within three hundred (300) feet of any public entrance to such principal use, provided such land is in the same ownership as the principal use.

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

5. Requirements for design of parking lots.
- a. Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
  - b. Each parking space shall be no less than one hundred and ninety (190) square feet in area, 10' x 19'. *(Effective date 8/25/03 approval by Lenoir City Council)*
  - c. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 11-309 of this ordinance.
  - d. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

**11-309. Access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

### **Purpose**

The number and location of access cuts onto city streets or state routes directly affect traffic flow within the city. Standards for the design and placement of access cuts is an important factor in providing a safe and efficient transportation network.

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

### **Right-of-Way Encroachment**

No part of the highway right-of-way should be used for servicing vehicles, displays, or the conducting of private business. The buffer area is to be kept clear of buildings, fences, business signs, parking areas, service equipment, and appurtenances thereto. Parking may be permitted on the roadway, as at curbs on city streets when permitted by police control. The buffer area may be graded and landscaped as approved by the street superintendent.

### **Buffer Areas**

Cut or fill work performed in buffer areas shall be done in a manner to insure adequate sight distance, proper drainage, good appearance and manageable slopes for maintenance. Curbs, guide posts, shrubs, etc. shall be utilized to prohibit vehicular movement within the buffer area.

### **Location and Sight Distance of Driveways**

Driveways shall be so located to 1) afford maximum sight distance along the highway, and 2) reduce hazardous conditions. Where feasible, driveways shall not be located on sharp curves or steep grades. The Lenoir City Council following recommendation by the planning commission shall have the authority to restrict the location of driveways if, in their opinion, such driveway may contribute to a higher incidence of accidents.

### **Number and Arrangement of Driveways**

The permissible number, arrangement, and width of driveways shall be governed in part by the highway frontage of abutting property. The number of driveways provided shall be the minimum number required to adequately serve the needs of the adjacent property.

Parcels shall be restricted to one (1) access cut for each 150' of road frontage or any portion thereof. Where several adjacent commercial properties exist with narrow frontages, the planning commission encourages interconnecting frontage roads on private property. Such frontage roads shall be constructed to the same standard as subdivision roads and shall be constructed from lot line to lot line.

Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way line shall not be less than fifty (50) feet.

### **Driveway Alignment and Profile**

Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the center line of the roadway as specified in sketches and examples. The driveway angle may be between 40<sup>o</sup> (minimum) and 60<sup>o</sup> (maximum) when the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway.

### **Curbs and Guide Posts**

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

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

### **Driveway Profile**

No Highway Edge Curb, Cut Section: (a) From edge of traveled way to outer edge of shoulder, gradient same as shoulder pitch; (b) from outer edge of shoulder to low point at ditch line or over culvert, maximum downward gradient of 5 percent; (c) beyond ditch line, maximum gradient of 8 percent for commercial driveways and 10 percent for others.

No Highway Edge Curb, Fill Section: (a) Slope across shoulder, same as above; (b) beyond outer edge of shoulder, maximum gradient 5 percent for commercial driveways, 10 percent for others.

With Highway Edge Curb: Driveway profile should slope upward from gutter line to meet the sidewalk, if any, with maximum difference between downward cross slope of traveled way and upward slope of driveway of 10 percent; beyond outer edge of walk or equivalent, maximum gradient of 8 percent for commercial driveways and 10 percent for others.

Steeper grades may be permitted subject to approval of planning commission. The commission's waiver will be based on the traffic volume and location.

### **General Requirements**

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

1. A point of access for vehicles onto a street shall not exceed forty (40) feet in width; however, if in the opinion of the road superintendent and board of zoning appeals that one (1) access with a width greater than forty (40) feet is more appropriate to protect the safety of motorists, then said board may require and/or grant a variance from this requirement.
2. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department and where applicable the Tennessee Department of Transportation when state highways are involved.

3. Paved acceleration and deceleration lanes may be required along any arterial or major collector street at the discretion of the board of zoning appeals upon recommendation by the superintendent and planning commission. The requirement for acceleration and deceleration lanes will be based on the following:
  - a. Existing Road Conditions
    1. Width
    2. Sight Distance
  - b. Traffic Volume
    1. Average daily traffic and highway capacity
    2. Average daily traffic flowing into the development
4. All access cuts shall be paved for all commercial, industrial, and residential developments (consisting of four (4) units or more). The minimum area paved shall commence from the edge of existing street pavement to the property line.

Control Dimensions

Edge Clearance (E)

GENERAL: All portions of the driveway shall be within the frontage boundary line. For driveway with angles of about 90 degrees, the edge clearance should not be less than the radius of curvature (R) for the junction of the driveway and pavement (shoulder) edges.

Residential:	5 Feet Minimum
Commercial:	10.5 Feet Minimum

Width (W)

Residential:	10 Feet Minimum; 15 Feet Maximum
Commercial:	20 Feet Maximum for one-way use 40 Feet Maximum for two-way use

Driveway Angle (Y)

Driveways for two-way operation; 90° to center line of roadway

Driveways for one-way operation:

1. Driveways used by vehicles in both directions of travel on highway; same as for two-way operations (90° to center line of roadway).
2. Driveways used by vehicles in one direction of travel on divided highway 45° minimum and 60° minimum.

Radius of Curvature (R)

Residential:	5 Feet Minimum; 15 Feet Maximum
Commercial:	10 Feet Minimum; 20 Feet Maximum

Distance Between Double Driveway (D)

50 Feet Minimum

NOTE: IN NO CASE SHALL THE DISTANCE (D) BE LESS THAN THE LARGEST ADJACENT WIDTH OPENING (W).

### **DEFINITIONS OF TERMS**

Frontage - The length along the street right-of-way line of a single property tract or roadside development area between the edges of the property distance between (1) and (2) in Figures 1 and 2 or corner property having separate frontages along each street.

Frontage Boundary Line (abbreviated as FB line) - A line, perpendicular to the street center line, at each end of the frontage, extending from the right-of-way line to the edge of through traffic line; line (1)-(4) or (2)-(4) in Figures 1 and 2.

Buffer Area - The border area along the frontage between the traveled way and the right-of-way and within the frontage boundary lines area (1)-(2)-(3)-(4) in Figures 1 and 2.

Driveway Width (W) - Narrowest width of driveway measured parallel with the edge of traveled way; W in Figures 1 and 2.

Driveway Angle (Y) - The angle of 90<sup>0</sup> or less between the driveway center line and the edge of the traveled way Y in Figures 1 and 2.

Edge Clearance (E) - The distance measured along the edge of the traveled way, between the frontage boundary line and tangent projection of the nearest edge of driveway; E in Figures 1 and 2.

Corner Clearance (C) - At an intersecting street or highway, the dimension measured along the center line of the traveled way between the frontage boundary line opposite the intersection of the two center lines and the tangent projection of the nearest edge of driveway C in Figure 3.

Setback (G) - The lateral distance between right-of-way line and the roadside business building, gasoline pump curb base, display stand, or other object, the use of which will result in space for vehicles to stop or park between such facilities and the right-of-way line; G in Figure 2.

Outside Radius (R) - The outside or larger curve radius on edge of driveway R in Figures 1, 2 and 3.

Distance Between Double Driveways (D) - The distance measured along the right-of-way between the tangent projections of the inside edges of two adjacent driveways to the same frontage; D in Figure 2.

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

**11-310. Off-Street Loading and Unloading Space Required.** Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

Total Usable Floor Area for Principal Building (See Chapter 2 for definition)	Spaces Required
0 to 4,000 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
20,000 sq. ft. and over	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

**11-311. Maximum Building Height.** No structure shall be erected which exceeds three (3) stories or fifty (50) feet in height except as provided by Section 11-506.

**11-312. Site Plan Review.** All persons, businesses, or organizations applying for a building permit must first submit three (3) copies of a site plan for all commercial, residential complexes of more than four (4) units, and industrial developments to the Loudon County Office of Planning and Community Development at least thirty (30) days prior to the meeting at which it is to be considered. The Lenoir City Regional Planning Commission must approve the site plan before the Building Official can issue a permit. Site plans involving an addition of 1,000 square feet or less to an existing building may be approved by the Lenoir City Building Official Approval of a site plan expires after 12 months if construction is not underway. *(Amended by Lenoir City City Council 6/23/08)*

All site plans shall show the following:

1. The site location of the proposed use/structure including a location map and the scale of such map.
2. Drainage system plan.
3. Size and dimensions of the proposed building and a drawing of all setbacks.
4. Location of loading zones, front, side, and rear doors, if any.
5. Parking area design, number of parking spaces, and design of those spaces.
6. Location and layout of proposed water and sewer lines and any attendant facilities such as a pumping station and utility power lines, etc.
7. Signs must be shown conforming to local ordinances.
8. Location of any easements, alleys, or marginal access roads.

9. Location and design of all entrances and exits onto a public road (Developer should consult with local planner and planning commission).
10. In the case of a shopping center, a master plan may be submitted to the planning commission which gives all of the above information for the shopping center as a whole instead of individually for each use in the shopping center.
11. After a time period in which a master plan for a shopping center is approved, any additional structure which was proposed for development and was not included in the original master plan for the shopping center must submit a site plan for the proposed addition to the shopping center including additional parking areas.

*(This section amended 3/24/03 by Lenoir City Council.)*

## CHAPTER 4

### ZONING DISTRICTS

#### SECTION

- 11-401. Classification of Districts
- 11-402. Boundaries of Districts
- 11-403. R-1, Low Density Residential District
- 11-404. R-2, Medium Density Residential District
- 11-405. R-3, High Density Residential District
- 11-406. C-1, Neighborhood Business District
- 11-407. C-2, Central Business District
- 11-408. C-3, Highway Commercial District
- 11-409. M-1, Light Industrial District
- 11-410. M-2, Heavy Industrial District
- 11-411. F-1, Floodplain District
- 11-412. C-4, Interchange Commercial District
- 11-413. R-1-S, Single Family Residential District
- 11-414. HZ Historical Overlay District
- 11-416. O-1, Office-Professional District
- 11-417. R-4, Residential District
- 11-418. PDD Planned Development District

**11-401. Classification of Districts.** For the purpose of this ordinance, the City of Lenoir City, Tennessee, is hereby divided into thirteen (15) zoning districts as follows:

- R-1, Low Density Residential District
- R-2, Medium Density Residential District
- R-3, High Density Residential District
- C-1, Neighborhood Business District
- C-2, Central Business District
- C-3, Highway Commercial District
- M-1, Light Industrial District
- M-2, Heavy Industrial District
- F-1, Floodway District
- C-4, Interchange Commercial District
- R-1-S, Single Family Residential District
- HZ, Historical Overlay District
- O-1, Office-Professional District
- R-4, Residential District
- PDD, Planned Development District

#### **11-402. Boundaries of Districts.**

1. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of Lenoir City, Tennessee," dated \_\_\_\_\_, which is a part of the zoning code and which is on file in the office of the City Recorder.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or the corporate limit lines as they exist at the time of the enactment of the zoning code. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

3. Where a district boundary divides a lot existing at the time the zoning code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than fifty (50) feet within the more restricted district.

**11-403. R-1, Low Density Residential District.** Within the R-1 District, as shown on the Zoning Map of Lenoir City, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures.
  - a. Single family residences and two-family dwellings.
  - b. Mobile homes provided they comply with Section 11-606.
  - c. Accessory uses and buildings, provided such uses are incidental to the principal use.
  - d. Customary home occupations provided the conditions in Section 11-603 are met.
  - e. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
  - f. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over four (4) square feet in area, and placed at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, on-premise customary home occupations, provided the requirements of Section 11-604 are met.
2. Uses and structures permitted as special exceptions by the Board of Zoning Appeals. The following uses may be permitted as special exceptions after review and approval by the Board in accordance with 11-806.
  - a. Municipal, county, state, or federal uses, except general office buildings.
  - b. Public utilities and facilities, except storage and warehousing areas.
  - c. Cemeteries, churches or other semi-public uses.
  - d. Hospitals and medical clinics.
  - e. Philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business.
  - f. Public parks and golf courses, and country clubs.

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

3. Prohibited uses and structures. Any use not specifically permitted or permitted as a special exception upon review and approval by the Board is hereby prohibited.
  
4. Area Regulations. The principal building shall be located so as to comply with the following requirements:
  - a. Minimum lot area for single-family dwelling units served by public water and sewer systems - 15,000 square feet.
  - b. Minimum lot area for two-family dwelling units served by public water and sewer systems - 20,000 square feet.
  - c. Minimum lot area for single-family dwelling unit not served by public sewer system shall be dependent upon Health Department approval after appropriate soils tests have been conducted, but in no case shall the lot area be less than 15,000 square feet; for two-family dwelling unit the minimum lot area if not served by a public sewer system shall be 20,000 square feet but may be increased if required by appropriate soils test conducted by the Health Department.
  - d. Minimum lot width at building setback line - 100 feet.
  - e. Minimum depth of front yards - 30 feet.
  - f. Minimum depth of rear yards - 35 feet.
  - g. Minimum width of side yards:
 

1 story building . . . . .	10 feet each side
2 story building . . . . .	15 feet each side
3 story building . . . . .	20 feet each side
  - h. No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11-506.
  
5. Site development standards for required yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order so as to prevent unnecessary soil erosion and maintain aesthetic appeal.
  
6. Parking, storage, and use of automobile, major recreation equipment or trucks. Off-street automobile parking spaces as required in Section 11-308 of this ordinance shall be provided.

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

No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and cases or boxes used for transporting such whether occupied by such equipment or not) shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a building to a street, except for periods not to exceed the forty-eight (48) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

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

7. Location of accessory buildings.

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

**11-404. R-2, Medium Density Residential District.** Within the R-2, Medium Density Residential District, as shown on the Zoning Map of Lenoir City, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures.

- a. Single-family and multiple family dwellings; rental offices for multi-family units.
- b. Mobile homes provided they comply with Section 11-606.
- c. Accessory uses and buildings, provided such uses are incidental to the principal use.
- d. Customary home occupations, provided the conditions in Section 11-603 are met.
- e. Horticulture, including forestry not involving advertising, display, or public sale of products on the premises.
- f. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over four (4) square feet in area, and placed at least six (6) feet from all lot lines and street rights-of-way; nameplates and single signs identifying home ownership or address, on-premise customary home occupations, provided the requirements of Section 11-604 are met.

2. Uses and structures permitted as special exceptions by the Board of Zoning Appeals. The following uses and structures may be permitted as special exceptions after review and approval by the Board in accordance with 11-806:

- a. Municipal, county, state, or federal uses, except general office buildings;
- b. Public utilities and facilities, except storage and warehousing areas;
- c. Cemeteries, churches, or other semi-public uses;
- d. Hospitals and medical clinics;

- e. Philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business;
- f. Public parks and golf courses, and country clubs;
- g. Manufactured home communities subject to the requirements of Section 11-606.

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

- 3. Prohibited uses and structures. Any use not specifically permitted or permitted as a special exception upon review and approval by the Board is hereby prohibited.
- 4. Area regulations. The principal building shall be located so as to comply with the following requirements:
  - a. Minimum lot area for single-family dwelling unit served by public water and sewer systems - 7,125 square feet.
  - b. Minimum lot area for two-family dwelling units served by public water and sewer systems - 10,000 square feet.
  - c. Minimum lot area for single-family or two-family dwelling units not served by a public sewer system shall be dependent upon Health Department approval after appropriate soils tests have been conducted, but in no case shall the lot area be less than 15,000 square feet.
  - d. Minimum lot area for multi-family dwelling unit (3 units or more) which is served by public water and sewer - 12,000 feet, plus 2,000 square feet for each additional unit over three (3), up to a maximum of 18 units per acre. No multi-family structure shall be allowed unless such structure(s) is served by a public sewer system approved by the Tennessee Department of Public Health and the Lenoir City Utilities Board.
  - e. Minimum lot width at building setback lines - 50 feet.
  - f. Minimum depth of front yard - 20 feet.
  - g. Minimum depth of rear yards - 15 feet.
  - h. Minimum width of side yards:
    - 1 story building . . . . . 6 feet each side
    - 2 story building . . . . . 8 feet each side
    - 3 story building . . . . . 10 feet each side
  - i. No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11-506; exceptions may also be made where off-street parking is provided below the structure upon approval by the Board of Zoning Appeals.
- 5. Site development standards for required yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and

maintained in good order so as to prevent unnecessary soil erosion and maintain aesthetic appeal.

6. Parking, storage, and use of automobiles, major recreation equipment, or trucks. Off-street automobile parking space as required in Section 11-308 of this ordinance shall be provided. No vehicle or trailer of any kind or type without current license plates, shall be parked or stored on any lot other than in a completely enclosed building.

No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and cases or boxes used for transporting such whether occupied by such equipment or not) shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a building to a street, except for periods not to exceed forty-eight (48) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

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

7. Location of accessory buildings

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

**11-405. R-3, High Density Residential District.** The purpose of this district is to provide areas within Lenoir City for high density residential development. Specifically, higher densities and less restrictive space area requirements are permitted in an effort to encourage development and redevelopment in the older portions of the community. Within the R-3, High Density Residential District, as shown on the Zoning Map of Lenoir City, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures.

- a. Single-family and multiple family dwellings; rental office for multi-family units.
- b. Mobile homes provided they comply with Section 11-606.
- c. Accessory uses and buildings, provided such uses are incidental to the principal use.
- d. Customary home occupations, provided the conditions in Section 11-603 are met.
- e. Horticulture which does not involve advertising, display, or public sale of products on the premises.

- f. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over four (4) square feet in area, and placed at least six (6) feet from all lot lines and street rights-of-way; nameplates and single signs identifying home ownership or address or on-premise customary home occupations, provided the requirements of Section 11-604 are met.
2. Uses and structures permitted as special exceptions by the Board of Zoning Appeals. The following uses and structures may be permitted as special exceptions after review and approval by the Board in accordance with Section 11-806.
- a. Governmental uses including office buildings.
  - b. Public utilities and facilities except storage and warehousing areas.
  - c. Cemeteries, churches, or other semi-public uses.
  - d. Hospitals and medical clinics.
  - e. Philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business.
  - f. Public parks and recreation areas.
  - g. Professional and business offices in which no activity is carried on catering to retail trade with the general public.
  - h. Accessory uses located in an apartment building to expressly serve the tenants thereof including news-stands, cafeterias, and recreational uses.
  - i. Manufactured home communities as regulated in Section 11-606.

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

3. Prohibited uses and structures. Any use not specifically permitted or permitted as a special exception upon review and approval by the Board is hereby prohibited.
4. Area regulations. The principal building shall be located so as to comply with the following requirements:
- a. Minimum lot area for single-family dwelling unit served by public water and sewer systems - 7,125 square feet.
  - b. Minimum lot area for two-family dwelling units served by public water and sewer systems - 10,000 square feet.
  - c. Minimum lot area for multi-family dwelling unit (3 units or more) served by public water and sewer systems - 11,000 square feet, plus 1,000 square feet for each additional unit over three (3), to a maximum of 24 units per acre.
  - d. All residential units in the R-3 district shall be served by a public sewer system.

- e. Minimum lot width at building setback line - 50 feet.
- f. Minimum depth of front yard - 20 feet.
- g. Minimum depth of rear yard - 15 feet.
- h. Minimum width of side yards:
  - 1 story building . . . . . 6 feet
  - 2 story building . . . . . 8 feet
  - 3 story building . . . . . 10 feet
- i. No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11-506; exceptions may also be made where off-street parking is provided below the structure upon approval by the Board of Zoning Appeals.

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

6. Parking, storage, and use of automobiles, major recreation equipment, or trucks. Off-street automobile parking space as required in Section 11-308 of this ordinance shall be provided. No vehicle or trailer of any kind or type without current license plates, shall be parked or stored on any lot other than in a completely enclosed building.

No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and cases or boxes used for transporting such whether occupied by such equipment or not) shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a building to a street, except for periods not to exceed forty-eight (48) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

No truck of a rated capacity of greater than three-fourths (3/4) ton nor any heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot over night nor stored or parked while loading or unloading for periods in excess of forty-eight (48) hours except in an enclosed building.

7. Location of accessory buildings.

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

**11-406. C-1, Neighborhood Business District.** Within the C-1, Neighborhood Business District, as shown on the Zoning Map of Lenoir City, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures. Single family and multiple family dwellings and mobile homes as permitted and regulated in the R-3, High Density Residential District, grocery stores, including self-service gasoline pumps only, barber and beauty shops, laundry and dry cleaning pick-up stations, professional and business offices in which no activity is carried on which caters to retail trade with the general public, churches and places of worship, funeral homes, and philanthropic institutions and clubs, except a club whose chief activity is customarily carried out as a business.
2. Uses and structures permitted as special exceptions by Board of Zoning Appeals. Any use which, in the opinion of the Board of Zoning Appeals, is of the same general character of the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the area.
3. Prohibited uses and structures. Any use not specifically permitted or permitted as a special exception upon review and approval by the Board is hereby prohibited.
4. Area regulations and building size. The principal building shall not contain more than two thousand (2,000) square feet of floor space devoted to retail sales and/or service. In addition the principal building shall be located so as to comply with the following requirements plus other applicable provisions of this code including off-street parking:
  - a. Minimum lot width at building line - 50 feet.
  - b. Minimum depth of front yard - 25 feet.
  - c. Minimum depth of rear yard - 10 feet.
  - d. Minimum width of side yards:

1 story building . . . . .	10 feet each
2 story building . . . . .	12 feet each
3 story building . . . . .	20 feet each

**11-407. C-2, Central Business District.** In order to protect and improve the principal shopping area of Lenoir City and to permit and encourage concentrated development of office and shopping facilities, a Central Business District is hereby established. Within the C-2, Central Business District the following regulations shall apply:

1. Permitted uses and structures.
  - a. Retail trade - general merchandise.
  - b. Retail trade - food.
  - c. Retail trade - apparel and accessories.
  - d. Retail trade - furniture, home furnishings, and equipment.
  - e. Retail trade - eating and drinking.

- f. Retail trade - drug and proprietary, antiques, book and stationary, sporting goods, hardware, jewelry, florists, and optical and photographic supplies.
  - g. Finance, insurance, and real estate services.
  - h. Business services.
  - i. Personal services, including laundry and dry cleaning establishments, beauty and barber shops.
  - j. Repair services not including automobile repair and service.
  - k. Professional services.
  - l. Governmental services not including correctional institutions and military reservations.
  - m. Commercial amusement establishments.
  - n. Cultural activities.
  - o. Religious activities and welfare and charitable services.
  - q. Railroad transportation.
  - r. Other uses and structures which are customarily accessory and clearly incidental to permitted uses and structures.
  - s. Residential Uses. Shall be permitted only as an accessory use. Residential uses shall be permitted on any floor above the first provided off-street automobile storage shall be provided as required under Section 11-308 of this ordinance. *(Amendment recommended by Lenoir City Regional Planning Commission 9/2/03, approved by Lenoir City Council 10/8/03.)*
2. Prohibited uses and structures. Any use or structure not specifically permitted or prohibited and includes the following prohibited uses:
- a. Any establishment (as defined above) engaged in the sale, distribution or presentation of any pornographic material.
  - b. Tattoo establishments as defined and regulated by TCA 62-38-101.
3. Area regulations. There are no specified side, front, or rear yard requirements or lot coverage requirements.

**11-408. C-3, Highway Commercial District.** The C-3, Highway Commercial District is established to provide for general commercial activity along major collectors and arterial highways. The regulations are designed to encourage the proper development of commercial areas in such a manner as to discourage the problems normally associated with strip commercial development; to encourage concentrations of commercial activities; and to preserve the traffic carrying capacity of the major collectors and arterials upon which such uses are located. Within the C-3, Highway Commercial District the following regulations shall apply:

1. Permitted uses and structures.
  - a. Any use permitted in the C-2, Central Business District.
  - b. Motels and tourist courts.
  - c. Service repair establishments, including service stations, automobile sales, and repair garages.
  - d. Tire recapping or re-treading.
  - e. Veterinary establishments provided that all animals shall be kept inside soundproof, air-conditioned buildings.
  - f. Wholesale and distributing center not involving over five thousand (5,000) square feet for storage of wares.
  - g. Shopping centers, including the location of more than one building on a lot provided such buildings share a common fire resistant wall.
  - h. Home Improvement Stores
2. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
3. Area regulations. The principal building shall be located so as to comply with the following requirements:
  - a. Minimum lot width at building setback line - 50 feet.
  - b. Minimum depth of front yard - 30 feet (the minimum setback requirement shall not apply to overhead canopies (open of four sides) utilized for automotive refueling systems ancillary to service stations, or convenient shops. In no case however, shall said canopies be located within ten (10) feet of any fronting property line).
  - c. Minimum depth of rear yard - 15 feet (except where rear access to buildings are provided in which case the rear yard shall be a minimum of 25 feet).
  - d. Minimum width of side yards:
    - 1 story building . . . . . 10 feet each
    - 2 story building . . . . . 12 feet each
    - 3 story building . . . . . 15 feet each
  - e. Within the district, building heights may exceed those as provided for in section 11-311, Maximum Building Height. The maximum building height shall not exceed six stories or seventy feet provided, however, the following requirements are met:

**1. Setbacks:**

- front yard. . . 30' plus .5' ft. increase for each foot of building height over forty (40) ft
- side yard . . . 15' plus .75' ft. increase for each foot of building height over forty (40) ft
- rear yard . . . 15' plus .5' ft. increase for each foot of building height over forty (40) ft

**2. Buffer area:** A minimum buffer/landscape area shall be provided along the periphery of the site at a minimum of two foot (2') for each story of building or for each Ten (10') of building height, whichever is greater. The buffer area shall be used exclusively for landscaping.

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

*(Addition recommended by the Lenoir City Regional Planning Commission at the March 5, 1996 meeting, and approved by Lenoir City City Council on April 8, 1996.)*

**11-409. M-1, Light Industrial District.** This district is established to provide areas for manufacturing, warehousing, and other light industrial uses. Within the M-1, Light Industrial District the following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted uses and structures.
  - a. Railroad and motor vehicle transportation.
  - b. Aircraft transportation.
  - c. Marine transportation.
  - d. Communication facilities.
  - e. Public utilities.
  - f. Wholesale trade.
  - g. Retail trade-building materials, hardware and farm equipment.
  - h. Warehousing and storage services.
  - i. Agricultural processing.
  - j. Food and kindred products manufacturing not including meat products manufacturing.
  - k. Textile mill products manufacturing.
  - l. Apparel and other finished products manufacturing made from fabrics and similar materials.
  - m. Lumber and wood products manufacturing.

- n. Furniture and fixtures manufacturing.
  - o. Printing, publishing, and allied industries.
  - p. Rubber and miscellaneous plastic products manufacturing.
  - q. Stone, clay, and glass products manufacturing.
  - r. Fabricated metal products manufacturing including ordnance and accessories.
  - s. Professional, scientific, and controlling instruments manufacturing.
  - t. Small article manufacturing - jewelry, musical instruments, toys, pens, pencils, tobacco, and motion picture production.
  - u. Any use or structure customarily incidental to the above uses.
  - v. Signs and billboards subject to the provision of 11-604.
2. Prohibited uses and structures. Any use or structure not specifically permitted or permitted on review by the Board of Zoning Appeals is prohibited.
  3. Area regulations. All buildings and structures shall be located so as to comply with the following minimum requirements:
    - a. Minimum depth of front yard - 30 feet
    - b. Minimum depth of rear yard - 20 feet
    - c. Minimum width of side yard:
      - 1 story building . . . . . 10 feet each side
      - 2 story building . . . . . 15 feet each side
      - 3 story building . . . . . 20 feet each side
    - d. There shall be no required minimum lot area for industrial districts except as should be needed to satisfy the above requirements and requirements pertaining to off-street parking and loading, respectively.
  4. Environmental controls. The applicant for a building permit in the M-1, Light Industrial District shall present, as part of the application, documentation demonstrating that the proposed industry will not represent a hazard to the community safety, health, welfare or amenity. This includes, but is not limited to, the following:
    - a. Documentation that a proposed use will be served by adequate water and wastewater facilities approved by the Lenoir City Utilities Board and the Tennessee Department of Public Health.
    - b. Documentation that adequate means are available for the disposal of all solid waste.
    - c. Documentation that proposed industrial uses will comply with all federal, state, and local air and water pollution control laws and/or regulations.

The Building Inspector shall not issue a building permit for any industrial use he believes may have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like, and those uses deemed dangerous due to potential explosion hazards, threat of fire, or poisonous fumes. Any uses of such a nature shall be permitted only on written approval of the Board of Zoning Appeals under the provisions of Section 11-806 and subject to such conditions and safeguards as may be required by said Board in the interests of public health, safety, and welfare.

**11-410. M-2, Heavy Industrial District.** This industrial district is provided for heavy manufacturing uses and processes. Within the M-2, Heavy Industrial District the following regulations plus other appropriate provisions of the zoning code shall apply:

1. Permitted uses and structures.
  - a. All uses permitted in the M-1, Light Industrial District.
  - b. Meat products manufacturing.
  - c. Paper and allied products manufacturing.
  - d. Chemicals and allied products manufacturing.
  - e. Petroleum refining and related industries.
  - f. Primary metal industries.
  - g. Mining activities and related services.
  - h. Any use or structure customarily incidental to the above uses.
2. Uses and structures permitted on review by the Board of Zoning Appeals: Sexually Oriented Adult Businesses, in compliance with Section 11-618, Sexually Oriented Adult Businesses.
3. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
  - a. Exterior storage of products, materials and equipment shall be prohibited unless such storage is related to items manufactured or used in conjunction with a manufacturing operation on the premises. Exterior storage of items manufactured on site shall be adequately screened from view from all adjoining properties and public road. *(Amended by Lenoir City City Council 3/27/06)*
4. Area regulations. All buildings and structures shall be located so as to comply with the following minimum requirements:
  - a. Minimum depth of front yard - 40 feet
  - b. Minimum depth of rear yard - 20 feet
  - c. Minimum width of side yard:

- 1 story building . . . . . 15 feet each side
- 2 story building . . . . . 20 feet each side
- 3 story building . . . . . 25 feet each side

d. There shall be no required minimum lot area for industrial districts except as should be needed to satisfy the above requirements and requirements pertaining to off-street parking and loading respectively.

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

- a. Documentation that a proposed use will be served by adequate water and wastewater facilities approved by the Lenoir City Utilities Board and the Tennessee Department of Public Health.
- b. Documentation that adequate means are available for the disposal of all solid waste.
- c. Documentation that proposed industrial uses will comply with all federal, state, and local air and water pollution control laws and/or regulations.

The Building Inspector shall not issue a building permit for any industrial use he believes may have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like, and those uses deemed dangerous due to potential explosion hazards, threat of fire, or poisonous fumes. Any uses of such a nature shall be permitted only on written approval of the Board of Zoning Appeals under the provisions of Section 11-806 and safeguards as may be required by said Board in the interests of public health, safety, and welfare.

**11-411. F-1, Floodplain District.** See Supplement to this section.

**11-412. C-4, Interchange Commercial District.** The purpose of this district is to provide for a commercial district relative to the needs which exist in Interstate interchanges, and to control development in order to preserve the integrity and safety of the area.

1. Permitted Uses and Structures

- a. All uses permitted in the C-2, Central Business District.
- b. All uses permitted in the C-3, Highway Commercial District.
- c. Tourist related activities - all those permitted in the C-2 and C-3 districts as well as fireworks sales.

2. Prohibited Uses and Structures

Any use or structure not specifically permitted is prohibited.

3. Area Regulations

- a. Minimum lot width at building line - 50 feet.
- b. Minimum depth of front yard - 30 feet (the minimum setback requirement shall not apply to overhead canopies (open on four sides) utilized for automotive refueling systems ancillary to service stations, or convenient shops. In no case however, shall said canopies be located within ten (10) feet of any fronting property line.
- c. Minimum depth of rear yard - 20 feet
- d. Minimum width of side yards:
  - 1-Story Building. . . . . 15 feet
  - 2-Story Building. . . . . 20 feet
  - 3-Story Building. . . . . 25 feet
- e. Within the district, building heights may exceed those as provided for in section 11-311, Maximum Building Height. The maximum building height shall not exceed six stories or seventy feet provided however, the following requirements are met:

**1. Setbacks:**

- front yard. . . 30' plus .5' ft. increase for each foot of building height over forty (40) ft
- side yard . . 15' plus .75' ft. increase for each foot of building height over forty (40) ft
- rear yard . . 15' plus .5' ft. increase for each foot of building height over forty (40) ft

**2. Buffer area:** A minimum buffer/landscape area shall be provided along the periphery of the site at a minimum of 2' for each story of building or for each 10' of building height, whichever is greater. The buffer area shall be used exclusively for landscaping.

*(Addition recommended by the Lenoir City Regional Planning Commission at the March 5, 1996 meeting, and approved by Lenoir City City Council on April 8, 1996.)*

**11-413. R-1-S, Single Family Residential District.** Within the R-1-S District, as shown on the Zoning Map of Lenoir City, Tennessee, the following regulations plus other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures

- a. Single family.
- b. Accessory uses and buildings, provided such uses are incidental to the principal use.
- c. Customary home occupations provided the conditions in Section 11-603 are met.

- d. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
  - e. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over four (4) square feet in area, and placed at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, on-premise customary home occupations, provided the requirements of Section 11-604 are met.
2. Uses and structures permitted as special exceptions by the Board of Zoning Appeals. The following uses may be permitted as special exceptions after review and approval by the board in accordance with Section 11-806.
- a. Municipal, county, state, or federal uses, except general office buildings.
  - b. Public utilities and facilities, except storage and warehousing areas.
  - c. Cemeteries, churches, or other semi-public uses.
  - d. Hospitals and medical clinics.
  - e. Philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.
  - f. Public parks and golf courses, and country clubs.

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

3. Prohibited uses and structures. Mobile homes and any use not specifically permitted or permitted as a special exception upon review and approval by the board is hereby prohibited. (Mobile homes may be permitted for medical hardship variances by the Board of Zoning Appeals).
4. Area regulations. The principal building shall be located so as to comply with the following requirements:
- a. Minimum lot area for single family dwelling units served by public water and sewer systems - 15,000 square feet.
  - b. Minimum lot area for single family dwelling unit not served by public sewer system shall be dependent upon health department approval after appropriate soils tests have been conducted, but in no case shall the lot area be less than 15,000 square feet.
  - c. Minimum lot width at building setback line - 100 feet.
  - d. Minimum depth of front yards - 30 feet.
  - e. Minimum depth of rear yards - 35 feet.
  - f. Minimum width of side yards:

- 1-Story Building. . . . .10 feet each side
- 2-Story Building. . . . .15 feet each side
- 3-Story Building. . . . .20 feet each side

- g. No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11-506.
- 5. Site development standards for required yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order so as to prevent unnecessary soil erosion and maintain aesthetic appeal.
- 6. Parking, storage, and use of automobile, major recreation equipment or trucks. Same as Section 11-403.
- 7. Location of accessory buildings.
  - a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
  - b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.
- 8. Continuance and Replacement of Nonconforming Mobile Homes. An owner of an existing lot of record with a mobile home will be permitted to replace a destroyed mobile home with another, or may replace said structure if said replacement occurs within 30 days following the removal of the existing mobile home.

**11-414. HZ Historical Overlay District.** The Historic Overlay District (HZ) shall be an additional zone overlapping any of the zoning districts of the zoning ordinance and shall be so delineated on the zoning map so as to distinguish that portion of any zoning district to which the Historic Overlay District (HZ) designation shall apply.

The requirements of the Historic Overlay District (HZ) shall be in addition to other zoning district requirements and when in conflict with other zoning district requirements, shall prevail over other requirements of any zoning district or portions thereof which are within the designated (HZ) district.

Changes to the exterior of any building or structure or the demolition of any building or structure in the Historic Overlay District (HZ) shall require the approval of a Certificate of Appropriateness by the Lenoir City Board of Zoning Appeals (BZA) or the Lenoir City Building Official.

All requests for Certificates of Appropriateness shall be reviewed for consistency with the City's adopted Historic Overlay District Design Guidelines.

- 1. Procedures For Obtaining a Certificate of Appropriateness
  - a. Applications for a Certificate of Appropriateness shall be submitted to the Lenoir City Building Official at least ten (10) days prior to the monthly meeting of the Lenoir City Board of Zoning Appeals.

- b. Applications shall include photos of the existing structure, drawings of the proposed changes, sample materials proposed to be used, and any other information that clearly documents the extent of work proposed for the structure.
- c. Applications for Certificates of Appropriateness involving minor exterior repairs or exterior improvements to the rear of a structure only shall be reviewed by the Lenoir City Building Official. The Building Official shall issue a Certificate of Appropriateness for work that conforms to the City's Historic Overlay District Design Guidelines
- d. The Lenoir City Board of Zoning Appeals shall review and approve all other requests for Certificates of Appropriateness. The review shall ensure that proposed changes are consistent with the Lenoir City Historic District Design Guidelines the Board. The Certificate of Appropriateness shall clearly identify the conditions of approval.
- e. After approval of a Certificate of Appropriateness by the Board of Zoning Appeals, the Lenoir City Building Official shall issue the Certificate of Appropriateness to the applicant/property owner.
- f. The property owner shall post the Certificate of Appropriateness in a visible location in front of the structure along with other required permits.
- g. The Building Official shall make routine progress inspections of the work approved by the Certificate of Appropriateness to ensure compliance with the certificate. If work performed does not comply with the conditions of the Certificate of Appropriateness, the Building Official shall inform the applicant and allow the applicant fifteen (15) days to correct the work. If the work is not corrected within 15 days, the Building Official shall issue a stop work order.
- h. The Building Official shall notify the Board of Zoning Appeals of the reason for issuing the stop work order, and the Board of Zoning Appeals shall review the Certificate of Appropriateness at their next scheduled meeting.
- i. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction subject to the penalties specified by Section 11-706 of the Lenoir City Zoning Ordinance and state law.

*(Section 11-414 was recommended by Lenoir City Regional Planning Commission 6/3/08 and approved by Lenoir City Council 6/23/08 and amended 6/23/2008)*

**11-416. O-1, Office-Professional District.** The purpose of this district is to create a district which is compatible with adjacent residential areas and serve as a transitional zone between residential and other incompatible land uses. The district is intended to promote quality development which promotes clustering of buildings surrounded by landscaped yards and open spaces. The district is primarily office in nature, however, certain retail uses are permitted within the development.

1. Uses Permitted. Within the O-1, Office-Professional District, the following uses and their accessory uses are permitted:

- a. Professional, business, and governmental offices. These shall include, but not be limited to, offices for attorneys, architects, engineers, insurance and real estate agents, physicians, chiropractors, dentists, accountants, and brokers.
  - b. Medical/healthcare clinics and offices.
  - c. Funeral homes.
  - d. Public and private schools.
  - e. Financial service businesses.
  - f. Churches/travel agencies.
  - g. Personnel services.
  - h. Drug stores.
3. Uses Permitted as a Special Exception. Within the O-1 district, the following uses may be permitted as special exceptions after review and approval in accordance with Chapter 8, Section 11-806:
- a. Retail Business\*

Florists, barber and beauty shops, specialty shops, restaurants, convenience stores, dry cleaners, video stores, arts and crafts, landscape nurseries, other similar uses.

In reviewing an application for these uses, the Board shall consider the suitability of roads, utilities, and impact on adjacent residential areas resulting from increase traffic, noise and property devaluation resulting from such development.

\*The square footage of finished floor area dedicated or used for retail shall not exceed forty (40) percent of the total square footage of the development. Retail uses shall be integrated into the development and shall be secondary in nature.

4. Uses Prohibited

- a. All uses not specifically permitted or permitted as a special exception and includes any permitted use in which any stock in trade or activity is conducted on the exterior of the primary or accessory structures. (The provisions of this section do not apply to landscape nursery operations.)
- b. Signs and billboards except as permitted in Section 6.

5. Dimensional Regulations. All uses on the O-1, Office-Professional District shall comply with the following requirements:

- a. Front Yard: The minimum depth of the front yard shall be thirty (30) feet for one story structures and forty (40) feet for two story structures.

- b. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet.
  - c. Side Yard: The minimum depth of the side yard shall be twenty (20) feet for one story structures and twenty-five (25) feet for two story structures.
  - d. Maximum Lot Coverage: In order to reduce incompatibilities with adjacent residential uses and promote quality developments with emphasis on open space, the total land area covered by buildings, and parking areas shall not exceed sixty (60) percent.
  - e. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.
  - f. Height Requirement: No building shall exceed two (2) stories or twenty-five (25) feet in height, except as provided in Section 11-506.
  - g. Parking Space Requirements: As regulated in Section 11-308.
6. Landscaping. All parking areas shall be buffered from adjoining properties or public right-of-way by a ten (10) foot wide landscaped area. Said landscape area shall utilize plant material or berms to form a three to four foot visual screen. The planting of trees (minimum 3 1/2" caliper) shall be integrated into the site. One tree shall be planted for each three parking spaces provided, or for each 600 sq. ft. of parking or paved areas.
  7. Signs. The total area for all freestanding and wall signs shall not exceed one square foot per foot of lot frontage on a public road, but not more than two hundred (200) square feet. No freestanding sign shall exceed twelve (12) feet in height.
  8. Exceptions. In instances where an existing nonconforming structure or lot exists which cannot comply with certain requirements of the district, the Board of Zoning Appeals has the authority to grant reasonable variances.

**11-417. R-4, Residential District.** Within the R-4, Residential District, as shown on the Zoning Map of Lenoir City, Tennessee, the following regulations plus other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures.
  - a. Single and multi-family structures and incidental accessory structures.
  - b. Customary home occupations, provided the conditions in Section 11-603 are met.
  - c. Single real estate signs advertising the sale, rental, lease of only the premises on which they are located, provided that they are not over four (4) square feet in area, and placed at least six (6) feet from all lot lines and street rights of way, names plates and single signs identifying home ownership or address, on-premise customary home occupations, provided the requirements of Section 11-604 are met.
2. Uses and structures permitted as a special exception by the Board of Zoning Appeals. The following uses and structures may be permitted as a special exception after review and approval by the Board in accordance with Section 11-806:

- a. Municipal, county, state, or federal uses, except general office buildings;
- b. Public utilities and facilities, except storage and warehousing;
- c. Cemeteries, churches, or other semi-public uses;
- d. Hospitals and medical clinics;
- e. Philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business;
- f. Public parks and golf courses and country clubs.

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

- 3. Prohibited uses and structures. Any use not specifically permitted or permitted as a special exception upon review and approval by the Board is hereby prohibited.
- 4. Area regulations. The principal building shall be located so as to comply with the following requirements:
  - a. Minimum lot area for single family dwelling units served by public water and sewer systems - 10, 000 square feet.
  - b. Minimum lot area for two-family dwelling units served by public water and sewer systems - 15, 000 square feet.
  - c. No lot shall be created within this district unless the lot is served by public water and sewer systems.
  - d. All multi-family dwelling units shall be served by a public water and sewer system and built at a density of not more than eight (8) units to the acre. No tract shall be utilized for multi-family structures unless the lot is a minimum of one acre.
  - e. Minimum lot width at the building setback line - fifty (50) feet.
  - f. Minimum depth of front yard - twenty-five (25) feet.
  - g. Minimum depth of rear yard - twenty (20) feet.
  - h. Minimum width of side yard - ten (10) feet.
  - i. No building shall exceed three (3) stories or forty (40) feet in height except as provided in Section 11-506.
- 5. Site development standards for required yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped and maintained in good order so as to prevent unnecessary soil erosion and maintain aesthetic appeal.

6. Parking, storage, and use of automobiles, major recreation equipment, or trucks. Off-street automobile parking space as required in Section 11-308 of this ordinance shall be provided. No vehicle or trailer of any kind or type without current license plates, shall be parked or stored on any lot other than in a completely enclosed building.

No major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units and the like, and cases or boxes used for transporting such whether occupied by such equipment or not) shall be parked or stored on any lot except in a carport or enclosed building or behind the nearest portion of a building to a street, except for periods not to exceed forty-eight (48) hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

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

7. Location of accessory buildings

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

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

*(Section 11-417 recommended by the Lenoir City Regional Planning Commission at the May 6, 1997 meeting, and approved by Lenoir City Council on June 23, 1997.)*

## **11-418. PLANNED DEVELOPMENT DISTRICT (PDD).**

### **A. PURPOSE**

The Planned Development District, hereinafter referred as the “PD District”, is intended for master-planned developments that allow for a mixture of land-uses to coexist in a community setting based on readily defined land use goals and design principles which:

Advocate the development of communities and places that are diverse and responsive to the human scale, where destinations are designed to encourage pedestrian activity, stimulate increased social interaction and engender a sense of place; Promote efficient and economic uses of land; Respect existing communities; Provide flexibility to meet changing needs, technologies, economics, and consumer preferences; Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources; Reduce infrastructure installation and maintenance costs by permitting smaller networks of utilities and streets and the use of shared facilities; Protect and enhance natural resources; Provide more open spaces and scenic areas, either privately owned or publicly owned, than would not otherwise be provided under conventional land

development procedures; and encourage a variety of uses, building forms, and building relationships while maintaining a consistent architectural theme.

## **B. PLANNED DEVELOPMENT MODEL**

The PD District is designed to recognize and allow for the development of livable, sustainable communities, which typically will occur in relatively undeveloped areas. They are broadly characterized as self-contained communities having an identifiable boundary and/or open space perimeter and a "center" of the community (although not necessarily the geographic center).

Design guidelines or standards that regulate key items such as building product, landscape, signage and site furnishings are developed and adopted to establish a consistent community vision and to guide development for the life of the project. The developmental approach is to consider growth as the building of consistent segments of a growing town rather than incremental and unconnected sprawl along rural highways.

A Planned Development District is typically divided into at least two types of Areas. A PD District must have a Town Center Area and a Mixed Residential Area. A PD District may also have a Neighborhood Edge Area, and a Business District. Nothing prohibits the existence of more than one Area within a defined geographical area as depicted on the Conceptual Master Plan approved as part of a PD District. The following areas and uses characterize a PD District:

### **1. Town Center**

The Town Center serves as the focal point of a PD District. It may contain commercial, office, recreational, civic, religious, educational and government services to meet the daily needs of community residents. A Town Center should not exceed 40% of the gross land area of the PD District or contain less than five (5) acres. A Town Center is pedestrian-oriented, and it is designed to encourage pedestrian movement between the Mixed Residential Area and a Town Center. A square or park or other area designated for common use by the community is required in a Town Center. Traditional retail and commercial uses and offices also generally should be located adjacent or closely proximate to this public open space. The Town Center shall have a minimum of 15 residential units. The maximum building height shall be 5 stories.

Town Center uses may include retail shops, restaurants, clubhouses, offices, banks, hotels and lodging, a post office, governmental offices, churches, community centers, and residential dwellings.

### **2. Mixed Residential Area.**

The Mixed Residential Area includes a variety of residential land uses including single-family residential, duplex, townhouse, triplex, condominium, and multi-family developments. Residential-scale retail and office uses are permitted within the Mixed Residential Area with strict architectural and land use controls, provided that such uses do not exceed 30% of the gross square footage in the area and are reasonably scaled. Educational and religious uses also may be located in a Mixed Residential Area. Commercial and office uses in the Mixed Residential Area are required to blend into the residential character of the neighborhood and to be of smaller scale than what would be expected in the Town Center. The Mixed Residential Area should include public or private open space such as small squares, pocket parks, community parks and recreational areas,

and greenways. The Mixed Residential Area should promote pedestrian activity through well-designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Alleys may be utilized to create buildings with little separation between public street frontages. The maximum density permitted is 20 dwelling units per acre.

### 3. Neighborhood Edge Area.

A Neighborhood Edge Area is characterized as the least dense portion of a PD District, with larger lots and greater setbacks than the rest of the neighborhood. Direct vehicular access to the street is common, although the intent is to use alleys. Lots not served by alleys are allowed to be front loaded provided the garages are recessed or angled away from the street. Single-family residential dwellings represent the majority of uses in the Neighborhood Edge Area; however, attached residential uses to include duplexes, townhouses and condominiums also are permitted. Additionally, recreational areas (including golf courses and clubhouses) may locate in the Neighborhood Edge Area. A Neighborhood Edge Area is particularly appropriate along the perimeter of the PD District, but also may be appropriate around recreational amenities such as a golf course or lake. The maximum density permitted is 6 dwelling units per acre with a minimum lot area of 5000 square feet for a single-family dwelling.

### 4. Business Districts.

A PD District may have an optional Business District. Commercial and limited trade or craft uses that are not appropriate for a Town Center or a Mixed Residential Area but which serve the local residents may be located in a Business District. Office uses also may be located within a Business District. A Business District shall not exceed 25% of the gross land area of the PD District. The scale and architectural conventions of a PD District apply to a Business District. Such districts also should be accessible by alternative transit devices such as bicycle paths, trolleys or shuttles, or pedestrian connections. Residential uses are not prohibited in these areas but in no event shall predominate.

### 5. Civic Uses.

Civic uses that are oriented to the PD community primarily but also to general public should be located in the Town Center and Mixed Residential Areas. However, they also may be located in other areas if needed to take advantages of amenities of a PD district such as lakes, golf courses, or other recreational uses. These uses are to be encouraged as components of the social and physical fabric of a PD District. Special attention should be paid to the location of government offices, meeting areas, libraries, museums, schools, churches, assembly areas, and other prominent public buildings to create focal points and landmarks for the community.

### 6. Open Space.

Open space is a significant part of a PD District design with 20% of the total area required for open space. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, buffers and greenways. Open space also may include recreational areas such as soccer fields or golf courses. Open space shall be available throughout the entire PD district and linked, if possible and environmentally sound, to encourage pedestrian and bicycle movement.

## 7. Streets and Alleys.

The Town Center, Mixed Residential Areas, and Business District of a PD District are designed to be pedestrian-oriented. To accomplish this goal, street patterns and designs should be encouraged which reduce vehicle travel speeds and encourage pedestrian activity. A road hierarchy chart shall accompany the Master Plan showing the various types of roadway and sidewalk systems. An interconnected network of streets and alleys should be used unless impractical due to topographic constraints. Streets may be smaller than in conventional development and more varied in size and form to control traffic and give character to the neighborhood; provided, however, that all streets and alleys must satisfy public safety standards and some device must be implemented to provide for ongoing maintenance of any private streets, alleys or access easements.

### **C. GENERAL PROVISIONS**

The following general provisions apply to the PD District:

1. **Minimum Size:** The minimum area of a PD District shall contain not less than fifty (50) acres.
2. **Ownership and Division of Land.**

No tract of land may be considered for or approved under the PD District unless such tract is under single ownership or, if listed in several ownerships, the application for zoning shall be filed jointly by all owners. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered a landowner for purposes of this section. The approval process for rezoning shall require approval of a Conceptual Master Plan. Development standards and site plans for each phase shall be approved by the Planning Commission prior to issuance of building permits to ensure the consistent development of a PD District. Approved development standards will run with the land, so that if it is subdivided or developed in phases, then the Conceptual Master Plan and development standards will still be observed. This requirement shall not prohibit subsequent modifications of the Conceptual Master Plan if approved by the Planning Commission, provided the development standards also then are amended to reflect such changes. Additionally, minor modifications to the Conceptual Master Plan which do not detract from its intended purpose and which do not change the geographical location of the various Areas as defined by the Conceptual Master Plan may be approved administratively by the Director or the person otherwise designated by the City to administer its Zoning Ordinance. This requirement also shall not prohibit the addition of land, in any amount, to the PD District; provided such addition to the Conceptual Master Plan is subjected to the review and approval of the Planning Commission and is affirmatively added to the covenants.

3. **Relationship to the Subdivision Regulations.**

The uniqueness of each proposal for development under the PD District may require modification of standards and specifications as established in the standard subdivision regulations that apply to development within the City. The conditions of approval of the PD District shall supercede these subdivision regulations if in conflict therewith, unless otherwise prohibited by law.

4. Other Regulations.

All PD District development shall be subject to the City's adopted Building Codes and Public Health Regulations in effect at the time of building permit application.

**D. DEFINITIONS**

This definition section is supplemental to section 11-204 of this ordinance.

Attached house. A single family dwelling unit located on a single deeded lot, and attached to another single family dwelling unit on one (1) or two (2) sides.

Accessory structure. A structure that is incidental and subordinate in use and square footage to the principal structure constructed on any given lot. Accessory structures and their associated uses also must comply with all applicable regulations of the PD district.

Block. An area composed of private/public lots and perhaps alleys, which generally is surrounded by or lined up on either side of a public street.

Commercial use. Business and retail establishments providing consumer services and products including prepared food for consumption on premises.

Community Parking Facility. An off-site parking lot or garage that provides required parking for some or all of the uses within a Neighborhood Center Area, Mixed Residential Area, Workshop Area or Employment Center Area.

Colonnade. A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers. Colonnades will have, at the sidewalk, a minimum clear height of ten (10) feet (excluding signage or lighting); a minimum clear height of 8 feet, (including signage and lighting); and a minimum clear width of eight (8) feet. Colonnades will be constructed a minimum of five (5) feet from the curb. Supporting structures will not encroach into the required easements or required rights-of-ways.

Detached housing. A single-family dwelling unit not attached to any other dwelling unit, located on a single deeded lot with an open yard on all sides of the home.

Director. The individual who administers the Zoning Ordinance of the City of Lenoir City.

Duplex Home. A building designed for two separate attached dwelling units, each of which is occupied by one family related by blood, marriage or adoption or by no more than six unrelated individuals who function as a family unit.

Encroachment. The part of a structure that intrudes into a buffer, yard or setback.

Facade Front. The exterior wall of a building, parallel to the frontage line.

Forecourts. Forecourts are open space areas other than roads or driveways that act as buffers between residential and nonresidential buildings or streets, and are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street rights-of-ways. The forecourt roadway loop will be a one-way clockwise travel lane with a minimum pavement width of twenty (20) feet, and must be designed in accordance with local road safety standards.

Frontage Buildout. The length of a front building facade compared to the length of the front lot line, expressed as a percentage.

Frontage lines. The shorter building lot line that coincides with the right-of-way of the street or square. In the case of a building lot abutting upon only one (1) street, the frontage line is the line parallel to and common with the right-of-way. In the case of a corner lot or other lot with double road frontage, that part of the building lot having the narrowest frontage on any street will be considered the frontage line.

Front porch. A front porch is a un-airconditioned, unenclosed roofed structure attached to the front of the unit. A typical front porch will have a minimum depth of seven (7) feet and a minimum width of twelve (12) feet.

Green. An open space available for unstructured recreation, it's landscaping typically consisting of grassy areas and trees.

Greenway. A series of connected improved or unimproved open spaces that may follow natural features such as ridges, ravines, creeks, or streams.

Joint use parking. An off-street parking space that is shared by businesses and other uses with varying peak periods of demand.

Limited commercial. Retail, business, restaurant service or office space located on the ground floor level of a building, up to two thousand five hundred (2,500) square feet in floor area per use.

Limited lodging. A use also referred to as "bed and breakfast" that takes place within a single family residence, which consists of renting one (1) or more dwelling rooms on a daily basis to tourists, vacationers and business people, and where provision of meals is limited to breakfast.

Limited office. Office space located within a single family or multifamily dwelling, used for the transaction of business or professional services by the dwelling occupant. On site customer contact should be nominal.

Lodging. Buildings, other than limited lodging, providing food service and bedrooms for rent or lease.

Major Civic Use. Includes Administrative and Business Offices used by a governmental entity, College and University use, Cultural Services use, Postal Facilities use, Public or Private Primary Educational Facilities use, Public or Private Secondary Educational Facilities use, Religious Assembly use, Safety Services use and Transportation Terminal use.

Major Private Recreational Improvements. Includes but is not limited to golf courses, swimming pools, tennis courts, basketball courts, sports fields, marinas, recreation centers, and community meeting halls.

Meeting Hall. A building designed for public or private assembly, containing at least one (1) room having a minimum area of two thousand and four hundred (2,400) gross square feet. A meeting hall also shall contain restrooms and may include cooking facilities.

Multifamily. A building consisting of more than four single-family dwelling units separated by fire resistance as required by applicable building codes. Generally this use is typified by the lease or rental of units for at least six months.

Office use. Business, professional, service and governmental occupations and institutions.

Open Space. Areas which are pervious and open to the sky, which include squares, plazas, greens, preserves, parks, buffers, greenways, recreational uses and golf courses; whether public or private.

Park. An open space, available for public or private recreation; its landscape consisting of some open lawn, paved paths and trails, trees, open shelters, or recreational facilities.

Pedestrian pathways. Usually paved, interconnected pathways a minimum of four (4) feet and a maximum of eight (8) feet in width. Sidewalks may qualify as pedestrian pathways. Some pathways may be of packed earth provided it is clearly demarcated as a pedestrian trail.

Planting strips. The strips of grass between the curb and sidewalk, or pathway parallel to the street. The minimum width of such strips is six (6) feet.

Plaza. An open space at street intersections, set aside for civic purposes and commercial activity, including parking. Plaza landscape consists of durable pavement and formal tree plantings and grass strips.

Preserve. Open space that preserves or protects endangered species, a critical environmental feature, or other natural feature.

Private Open Space. Open space that is owned and maintained by a Property Owners' Association or an individual property owner.

Public Open Space. Open space that is owned and maintained by the City.

Public use tracts. Tracts of land within the PD District reserved for public use such as street right-of-ways, sidewalks and some pedestrian pathways, public squares, public parks, and other open spaces intended for use by the public as a whole.

Residential. A lot, parcel or tract of land containing a building or structure used for non-transient dwelling purposes. Residential uses shall not include buildings which allow rental by the day, week or other period of time less than three months, unless operated as a Limited Lodging bed and breakfast facility.

Side Yard House. A dwelling built adjacent to an interior side lot line with a yard adjacent to the opposite side lot line.

Single Family Dwelling Unit. A dwelling which contains only one kitchen and which is intended to be used by one family.

Square. Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic, social, or recreational purposes, with landscape consisting of paved walks, lawns, trees, and civic, social or recreational buildings or other structures.

Streetscape. The area within a street right of way that contains sidewalks, street furniture, landscaping, or trees.

Street vista. A view framed by buildings at the termination of the axis of a thoroughfare.

Town Center. The focal point of the PD District, most often but not requiring geographic centrality, and which contains a central public space and customarily the most intensive and greatest mix of development.

Note: Words used herein, which are not specifically defined, may be defined elsewhere in the Codes of the City of Lenoir City or shall be entitled to their customary dictionary definition.

## **E. PERMITTED USES AND GENERAL DEVELOPMENT STANDARDS**

### 1. Zoning Procedure.

A PD District is a zoning district that is approved in the same manner as any other zoning districts set forth in this Zoning Ordinance. The rezoning procedures in the Lenoir City Zoning Ordinance apply to approval of a Planned Development District. Additional requirements are described in this article.

No PD District shall be adopted unless accompanied by a Conceptual Master Plan generally reflecting the intended location of all Areas.

### 2. Permitted Uses.

Any of the following uses may be located in the PD District, subject to approved development standards and site plans:

- Administrative and Business Offices
- Arts and Crafts Studio (for public use)
- Arts and Crafts Studio (for private use)
- Automotive Rentals
- Banks and other Financial Institutions
- Beer Sales
- Bicycle/Moped Rentals
- Building Maintenance and Repair Services
- Business or Trade School
- Business Support Services
- Club or Lodge (private)
- Club or Lodge (public)
- College or University
- Communications Services
- Communications Facilities
- Conference/Meeting Center
- Congregate Living
- Consumer Convenience Services and Repairs
- Convalescent Services
- Convenience Stores
- Counseling and Guidance Services
- Cultural Services
- Day Care (commercial)

Day Care (private)  
 Dwelling Units: Single family attached, single family detached, condominium, townhouse, duplex, triplex and multifamily  
 Entertainment (carried on wholly within an enclosed building)  
 Extermination Services  
 Food Sales  
 Golf Courses  
 Grocery Stores  
 General Retail Sales  
 Guest Houses  
 Hospital Services (limited)  
 Hotel/Conference Center  
 Kennel  
 Limited Lodging  
 Marina  
 Medical Offices  
 Parks (public and private)  
 Parking Lots (commercial)  
 Parking Lots (private)  
 Personal Improvement Services  
 Pet Services  
 Places of Worship and Other Religious Centers  
 Professional Offices  
 Postal Facilities (public and private)  
 Pubs/Taverns  
 Public/Government Uses  
 Recreational Structures (internal and external, public and private)  
 Recycling Drop-Off Centers  
 Restaurant  
 Safety Services (public and private)  
 Schools (public and private)  
 Service Stations  
 Telecommunications Tower  
 Theatre  
 Transportation Terminal  
 Utilities (public or private)

3. Development Standards and Private Covenants Required.

- a. General development standards, conditions, covenants, and restrictions for all the property within a PD District must be approved by the Lenoir City Planning Commission prior to the issuance of building permits. These covenants shall allow for development in phases and for amendments, provided that any such amendments which contemplate a major change from the Conceptual Master Plan, may not be approved nor filed until an amendment to the Conceptual Master Plan is approved by the Planning Commission.
- b. Conditions, Covenants, and Restrictions shall:
  1. Create a Property Owners' Association (POA), for the various districts as outlined in Section B;

2. Create an Architectural Control Committee to review development plans;
  3. Provide for the ownership, development, management, and maintenance of private open space, and other common areas;
  4. Provide for the maintenance of the landscaping and trees within the streetscape, subject to approval of the City if streets are to be publicly dedicated;
4. Architectural Standards.

The architectural standards required must achieve the following objectives:

- a. Architectural compatibility;
  - b. Human scale design;
  - c. Integration of uses;
  - d. Encouragement of pedestrian activity;
  - e. Buildings that relate to and are oriented toward the street and surrounding buildings;
  - f. Residential scale buildings in Mixed Residential Areas;
  - g. Buildings that contain special architectural features to signify entrances to the Town Center and important street intersections; and
  - h. Town Center buildings that focus activity on a neighborhood square, park or other commonly used facility.
5. Open Space.

The following open space requirements apply within a PD District:

- a. Not less than 20% of the gross land area of the PD District must be open space.
- b. Any portions of drainage and water quality facilities existing or developed within the PD District that are usable by the public for recreational purposes, as determined by the Planning Commission, also may be designated as parks or greenways.
- c. At least one square or central park for use by PD District residents shall be located in the Town Center. The required square or central park for use by PD District residents shall be at least one-half acre in size in a PD District of 100 acres or less, and the required square or park shall be at least one acre in size in a PD District that is larger than 100 acres.
- d. At least one additional green or public park that is not less than one acre in size must be located in each Area of the PD District.

- e. A greenway is an area of open space that may be interspersed throughout or along the perimeter of a PD District. A greenway acts to buffer non-compatible uses from the community such as industrial districts, highways, noxious agricultural uses and other non-compatible land uses. Greenways are also used to protect environmental features, such as streams or lakes, and to link together the various communities within the PD District by providing pedestrian or bicycle connections. Commercial uses existing within a greenway prior to the approval of the PD District plan will be considered nonconforming and subject to all applicable nonconforming use requirements contained in this Zoning Ordinance.
- f. Perimeter buffers of at least 20' in width should be located along the entire perimeter of the PD district unless unnecessary due to some environmental, topographical, or other reason, such as single family abutting single family or public road right of way. Within this perimeter buffer the following uses shall be allowed:
  - 1. Golf course tee boxes, greens, fairways and cart paths;
  - 2. Athletic fields;
  - 3. Community agricultural plots.

Hiking, biking and equestrian paths also may be located within the perimeter buffer and along road right-of-ways.

- g. Existing open spaces, greenways and/or perimeter buffers may be allocated toward the PD District.

6. Storm Water Control.

To the fullest extent possible, storm water control planning and engineering for a PD District shall be for the district as a whole. This requirement does not prohibit the development of the PD District in phases or the phased implementation of the storm water management system.

7. Roadway Design.

- a. The roadway designs used within the different areas of the PD District may vary depending on the proposed function of the roadway, the anticipated adjacent land uses, and the anticipated traffic load subject to applicable public safety requirements. The City encourages the use of a variety of designs to lend character to the neighborhood, and also encourages use of traffic calming measures as needed. A road hierarchy chart showing the various types of roadway and sidewalk systems shall be approved as part of the Master Plan.
- b. Roads within the PD District may be private or may be dedicated to the City of Lenoir City if the latter consents to it.

8. Vehicular Access.

- a. Access to alleys: Direct vehicular access from a lot to an alley is permitted.
  - b. Joint access driveways. If adjacent lots have direct vehicular access to a street, access may be through a common or joint driveway.
9. Parking.

The following parking regulations apply in a PD District:

- a. Street parking shall be allowed provided road width will accommodate it.
- b. Any parking lot, with the exception of those located in the Business District, shall be located at least 20' behind the front facade of any building, except for limited guest parking in front of the structure. If located at the side, screening shall be provided at the lot line by landscaping or decorative walls or fences.
- c. There is no off-street loading requirement for a building with less than 10,000 square feet of gross building area. Otherwise off-street loading requirements shall be as provided elsewhere in the Zoning Ordinance.
- d. Unless expressly designed for parking, this use is prohibited in alleys.
- e. Minimum parking requirements are as follows:
  - 1. Except as otherwise provided in this subsection, a commercial or office use must provide one parking space for every 500 square feet of gross building area.
  - 2. A commercial parking lot or garage also must provide not less than one bicycle parking space for every 100 motor vehicle parking spaces, with a minimum of 10 bicycle parking spaces per parking lot or garage.
  - 3. A condominium, multi-family, or retirement housing use must provide one parking space for the first bedroom of a dwelling unit and 0.5 parking spaces for each additional bedroom.
  - 4. A townhouse, single-family residential, duplex, group residential home, or triplex must provide two parking spaces for each dwelling unit.
  - 5. A convalescent home or congregate living use must provide one parking space for every four beds.
  - 6. Daycare services, primary educational facilities, or secondary educational facilities use must provide one parking space for each employee. For secondary educational facilities an additional space is required for each (10) students.

7. Unless otherwise provided here or approved as part of the Conceptual Master Plan, parking requirements shall be as provided elsewhere in the Zoning Ordinance.
- f. Other parking requirements:
    1. The required parking for a use may be located anywhere in the Neighborhood Center Area. Community parking facilities are encouraged.
    2. A commercial or a multi-family use may apply adjacent on-street parking toward the minimum parking requirements.
    3. Where vehicular access is provided between adjoining sites and peak operating hours of adjoining uses do not materially overlap, the uses may share up to fifty (50) percent of the required parking spaces. Shared use of parking shall be guaranteed by a legally binding agreement.
    4. In a Neighborhood Edge Area, all of the required parking for a use must be provided on-site.
10. Signage.
    - a. The landowner shall submit signage design guidelines as part of the development standards, which will govern signage throughout the PD District. These guidelines (or amendments thereto) shall be approved by the Planning Commission.
    - b. Signs shall be consistent and compatible throughout the PD District.
11. Compatibility Standards.
    - a. Lighting. Except for lighting in a public right of way or due to a demonstrated security or health need, all exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent properties and shall be compatible throughout the district.
    - b. Reflective surfaces. The use of highly reflective surfaces, including reflective glass and reflective metal roofs with a pitch of more than a run of seven to a rise of 12, is prohibited. This prohibition does not apply to solar panels and copper or painted metal roofs.
    - c. Dumpsters. Dumpsters and other permanently placed refuse receptacles must be located at least 20 feet from adjacent residential uses and to the rear or side of the structure they serve. The location and access to dumpsters or any other refuse receptacles must comply with adopted design standards and the covenants developed for the PD.
    - d. Screening. Yards, fences, vegetative screening, or berms shall be provided to screen off-street parking areas, mechanical equipment, storage areas,

and areas for refuse collection. If fences are used for screening, the height may not exceed six feet unless otherwise permitted by the Director. The property owner is responsible for the upkeep and maintenance of fences, berms, and vegetative screening, as well as fencing.

12. Additional Regulations For All Development.

- a. Residential uses in commercial buildings. A residential use may be located above the first floor of a commercial building.
- b. Stoops, porches, and balconies. A stoop, open porch, or balcony may extend into the front setback not more than five feet.

13. Accessory Uses.

- a. Residential accessory uses. One accessory dwelling unit containing not more than 700 square feet of gross building area is permitted as an accessory to a residential use if the other requirements of this chapter are met. This structure shall be limited to use by a member of the family residing in the primary residence, domestic help or security, or occasional guests.
- b. Commercial accessory uses. Commercial uses may include the following as accessory uses, activities, and structures on the same site or lot:
  - 1. Any other commercial use type not listed as a permitted use in the same district, and which complies with all of the following criteria:
    - a. Is operated primarily for the convenience of employees, clients, or customers of the principal use;
    - b. Occupies less than 10% of the total floor or lot area of the principal use; and
    - c. Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity
  - 2. A parking facility.

14. Exceptions.

It is acknowledged that these regulations cannot address every possible situation, which may arise during development of a PD District, particularly one that may be developed over a number of years. Accordingly, and upon application filed with and approved by the Board of Zoning Appeals, the following exceptions also may be allowed:

- a. Variances: The minimum lot size, setbacks, buffers, landscaping, fencing, parking and similar requirements may be waived when warranted by extraordinary environmental, topographical or other unusual circumstance and where, if the variance is not approved, an undue hardship would be imposed upon the property owner or other residents of the PD District. Variances may

be approved as part of the Conceptual Master Plan or by subsequent application or amendment to the Master Plan.

b. Special Exceptions: A use otherwise prohibited in one of the five Areas may be allowed by the Board of Zoning Appeals if it satisfies criteria 1 below or at least three of the four other criteria:

1. It is required by federal or state law;
2. It is needed by the community, which resides in the PD;
3. It is effectively screened, landscaped or otherwise conditioned to ameliorate any negative impacts;
4. It serves the public health, safety, welfare or morality; or
5. It causes no significant negative impact upon adjacent property, schools, utilities, environmental features, roads or other infrastructure.

Special Exceptions may be approved as part of the Conceptual Master Plan approval process or by way of subsequent application or amendment to the Master Plan.

c. The application process for a variance or Special Exception shall be as otherwise required by the Zoning Ordinance.

#### 16. Site Development Standards

No minimum standards are established. The Planning Commission shall approve development standards as part of the development standards, conditions, and covenants required for approval of a PD\_District.

*(This addition of Section 11-418 recommended by the Lenoir City Regional Planning Commission at the November 7, 2002 meeting, and approved by the Lenoir City City Council on November 22, 2002.)*

## CHAPTER 5

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

##### **11-501. Lot of Record**

##### **11-502. Adjoining Substandard Lots of Record**

##### **11-503. Group Housing**

##### **11-504. Rear and Side Yards Abutting a Railroad Siding**

##### **11-505. Yard Building Setback and Open Space Exceptions**

##### **11-506. Height Limits**

**11-501. Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning code. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as is possible.

**11-502. Adjoining Substandard Lots of Record.** Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**11-503. Group Housing.** In the case of group housing project or two or more buildings to be constructed on a plot of ground of four (4) acres or more, not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout makes it impracticable to apply the requirements of the zoning code to the individual building units in such group housing; the application of the terms of the zoning code may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure an intensity of land use no higher and a standard of open space no lower than that permitted by the zoning code in the district in which the proposed housing is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the housing is to be located or a smaller lot area per family than the minimum required in such district.

**11-504. Rear and Side Yards Abutting a Railroad Siding.** In industrial districts when lot boundaries abut a railroad siding, the Board of Zoning Appeals may grant a variance for the width and depth of side and rear yard requirements.

**11-505. Yard Building Setback and Open Space Exceptions.** The following requirements are extended to provide exceptions or to qualify and supplement the specific district requirements set forth in Chapter 4.

1. No yard, open space, or lot area required for a building or structure shall be occupied by or counted as required space for any other building or structure.
2. Certain conditions pertaining to the use of lots clarified.

- a. The front setback requirements of this code shall not apply on lots where the average depth of existing front yards on developed lots, located within two hundred (200) feet on each side of a lot, within the same block and zoning district as such lot, is greater or less than the minimum required front setback. In such case the depth of the front setback on such lot shall not be less than the average front yard depth on such developed lots.
- b. Lots having frontage on more than one street shall provide the required front setback along all streets.
- c. No recorded lot shall be divided into two (2) or more lots unless such division results in the creation of lots, each which conforms to all of the applicable regulations of the district in which the property is located. No reduction in the size of a recorded lot below the minimum requirements of this ordinance shall be permitted.

**11-506. Height Limits.** The height limitations of this zoning code shall not apply to churches, schools, hospitals and other public and semi-public buildings, provided that the minimum widths of side yards for the district are increased one (1) foot for each foot in height by which the structure exceeds the height limit. Also excluded from the height limits are water towers, transmission towers, chimneys, radio towers and other structures, which in the opinion of the Board of Zoning Appeals will not adversely affect the neighborhood.

## CHAPTER 6

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

#### SECTION

- 11-601. **Scope**
- 11-602. **Fall-Out Shelters**
- 11-603. **Customary Home Occupation**
- 11-604. **Signs, Billboards, and Other Advertising Structures**
- 11-605. **Swimming Pools**
- 11-606. **Mobile Homes and Manufactured Home Communities**
- 11-607. **Development Standards for Certain Uses**
- 11-608. **Erosion and Sedimentation Control Standards**
- 11-609. **Performance Guarantee**
- 11-610. **Demolition and Excessive Waste Material Removal Guarantee**
- 11-611. **Regulations Governing Above Ground Fuel Storage Tanks**
- 11-612. **Temporary Structures**
- 11-613. **Modular Structures**
- 11-614. **Site Plan Review**
- 11-615. **Storm Water Control Standards**
- 11-616. **Landscape Screening & Buffering Requirements**
- 11-617. **Standards for the Location of Telecommunication Towers**
- 11-618. **Sexually Oriented Adult Businesses**

**11-601. Scope.** These supplementary regulations are listed and described in this chapter, rather than repeated several times throughout the zoning code, as they are applicable to specific, to several or to all districts. The regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions, thus warranting a more convenient placement than that which would be possible by placing them in Title 11, Chapter 4, of this code.

**11-602. Fall-Out Shelters.** Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Area of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

**11-603. Customary Home Occupation.** A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

**11-604. Sign Structures.** These regulations are developed as a reasonable and impartial method of regulating sign structures in order to reduce unnecessary and excessive visual disturbance, reduce hazards along transportation routes, protect property values, increase the economic benefits of sign structures for businesses and to enhance their effectiveness to the

general public. These standards are designed in order to avoid any conflicts with Constitutional issues of the First Amendment rights of freedom of speech. These standards are content neutral and apply to the sign structure not the message conveyed. The following requirements relate only to the structure displaying the message.

1. The following definitions shall apply:

- **Sign structure**: means a structure which physically supports and displays lettering, logos, symbols, graphics, pennants, flags or any combination thereof, visible to the public from outside of a building or from a traveled way, which conveys a message to the public or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, excluding window displays. Sign structures shall include any support and or surface used for display of any of the above. A sign structure shall be considered as an incidental use, secondary in use to the permitted principal use of property. A sign structure shall only be permitted only in conjunction with a principal structure located on real property.
- **Free standing sign structure**: means a self-supporting sign structure not attached to any building wall or fence, but in a fixed location on the ground designed with a footer or foundation capable of supporting the structure. This does not include portable or trailer type sign structures.
- **Wall Sign**: means any sign which is painted on, incorporated into, or affixed parallel to the wall of a building or surface of any kind, and which extends not more than eighteen (18) inches from the surface of building or surface being attached.
- **Informational/directional sign**: means any sign which is used for providing general on-site information to vehicular or pedestrian flow, indicate parking space, identify points of interest, locate businesses or provide other essential information.
- **Public election sign**: means any sign which is used for providing general information relative to a public office election. Signs under this definition, shall be permitted not more than 60 days prior to an election for the office in question and removal not more than three days following the election of the office. No political sign shall be located on any public property or right of way.
- **Billboard**: A billboard is an off-premise object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public right of way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns for residents, owners, contractors, realtors, or by or on behalf of political candidates or issues

2. Sign structures shall not be located on any public property or right of way except as authorized by the appropriate governmental entity.

3. Portable or temporary sign structure shall not be permitted. A temporary or portable sign structure is one which allows for easy transport from or on the site and is not physically and permanently attached to or affixed to the property. An example of portable/non-permanent sign structures are structures with movable frames, A-frames and inverted T structures, banners, streamers or similar methods of advertising, but not including national flags. All sign structures shall be installed in accordance with applicable building codes.

4. Flashing or intermittent illumination of sign structures is not permitted. Electronic message boards/sign structures are permitted.

5. No sign structure shall be located or erected where its position, illumination, size, or shape may obstruct, impair, obscure or interfere with any authorized traffic signal, device or public road right of way. The appropriate building authority for the City shall determine, through on-site investigation, whether the location of the structure is contrary to this provision and upon determination shall deny a permit for such. The decision of the building authority may be appealed through normal process to the Board of Zoning Appeals.
6. No sign shall be attached to any building, except signs hanging over sidewalks in the C-2 district, which extend beyond the face of the surface by more than eighteen (18) inches.
7. The sign height shall be measured from the base of the sign structure to the highest point of the sign. In situations where a sign is intended to be visible from two roads of different elevations, measurement shall be from the surface of the lower roadway.
8. Sign measurement for determining the area shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface. For signs painted on or applied to a building, the area shall be considered to include the extreme boundaries of all lettering, wording and accompanying designs or symbols, together with any background.
9. Billboard Overlay Zones. *(added by Lenoir City City Council 11/2/06)*
  - A. Statement of Purpose: The City of Lenoir City recognizes the context sensitive effects of billboards in certain commercial districts of the city and therefore establishes billboard overlay zones to more effectively regulate billboards in order to:
    1. Preserve the architectural, historic, and scenic areas of the city;
    2. Preserve and promote the public health, safety, and welfare of the citizens of Lenoir City;
    3. Maintain and enhance the visual environment, and to preserve the right of citizens to enjoy Lenoir City's scenic beauty;
    4. Improve pedestrian and traffic safety;
    5. Minimize the possible adverse effect of billboards on nearby public and private property.
  - B. Designated Overlay Zones:
    1. Downtown District includes Broadway between Grand and D Street and applies to any billboard visible from the right of way of Broadway between Grand and D Street.
    2. Highway 321 Business District between the intersection of Broadway and Highway 321 and the Hwy 321/I-75 Interchange and applies to any billboard visible from the right of way of Highway 321.
    3. Highway 95/321 N Business District between Highway 70 intersection with Highway 95/321 N and the I-40 interchange with Highway 95/321 N and applies to any billboards visible from the right of way of Highway 95/321 N.
  - C. Downtown Overlay District  
New billboards are not permitted within the Downtown Overlay District.
  - D. Highway 321 Business District
    1. New billboards are permitted subject to the restrictions of this subsection.

2. *Height*: All billboards shall be no greater than 30 feet in height.
3. *Size*: All billboards shall be no greater than 300 square feet in area.
4. *Spacing*: No billboard shall be erected within 1,000 (one thousand) feet of an existing billboard. All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.
5. *Lighting*: No billboard shall be so illuminated that it:
  - a. Interferes with the safety of aircraft flight in the vicinity of the billboard.
  - b. Interferes with the use and enjoyment of property of any adjacent landowners.
  - c. Allows the illumination source to be directly visible from any right of way or adjoining property.
6. *Setbacks*: All billboards shall comply with the setback requirements of the base zoning regulations.

E. Highway 95/321 N Business District

1. New billboards are permitted subject to the restrictions of this subsection.
2. *Height*: All billboards shall be no greater than 30 feet in height.
3. *Size*: All billboards shall be no greater than 300 square feet in area.
4. *Spacing*: No billboard shall be erected within 3,000 (three thousand) feet of an existing billboard. All measurements shall be made parallel to the roadway between perpendiculars extended from the billboard locations in question.
5. *Lighting*: No billboard shall be so illuminated that it:
  - a. Interferes with the safety of aircraft flight in the vicinity of the billboard.
  - b. Interferes with the use and enjoyment of property of any adjacent landowners.
  - c. Allows the illumination source to be directly visible from any right of way or adjoining property.
7. *Setbacks*: All billboards shall comply with the setback requirements of the base zoning regulations.

F. Billboards Not Located Within Overlay Zones

No new billboards are permitted in areas of the city outside of designated overlay zones.

G. Prohibited Billboards

1. *Flashing Billboards*: Off-premise billboards that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.
2. *Glaring Billboards*. Off-premise billboards employing direct, indirect, internal flashing, or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance, as determined by the Lenoir City Building Official.
3. *Inflatable Billboards and Objects*: Including, but not limited to, balloons.
4. *Roof Billboards*: Off-premise billboards which are erected or painted on a roof or which extend in height above the roofline of the building on which the sign is erected.
5. *Simulated Traffic Signs and Obstructions*: Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street or highway intersection, or extend into the public right-of-way.
6. *Vehicular Billboards*: Off-premise signs displayed on parked or stationary vehicles, where the primary purpose of the vehicle is to advertise a product or

business or to direct people to a business or activity. For the purposes of this ordinance, vehicular billboards shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

The following standards apply to the various zoning districts:

Within any residential district:

1. For individual residences, one sign structure shall be permitted not exceeding 24"x24" to be used during the sale of the property on which the sign is located.
2. Sign structures used for identification of individual residences shall be permitted not exceeding one (1) square foot in area.
3. Sign structures used in conjunction with customary home occupations shall not exceed two (2) square feet in area.
4. Sign structures for public uses or multi-family developments shall be allowed to erect one sign structure not exceeding sixty-four (64) square feet in area nor more than ten (10) feet in height.

For all non residential districts:

### **C-1, Neighborhood Business District**

#### **A) Free standing sign structure**

1. Maximum size: 100 sq. ft.
2. Maximum height: 15'
3. Permitted number allowed: 1

#### **B) Wall mounted sign structure**

1. Maximum Size: 1.0 sq. ft. per lineal ft. of building facade facing the primary road
2. Maximum Height: Not extending above the building eave or 20' which ever is greater
3. Permitted number allowed: One (1) per business establishment

#### **C) Informational/directional sign structures**

1. Maximum size: Two (2) square feet
2. Maximum height: Four (4) feet
3. Permitted number allowed: 2

### **C-2, Central Business District**

#### **A) Free standing sign structure**

1. Maximum Size: 25 square feet.
2. Maximum Height: 4 feet (measured from ground to top of sign).
3. Permitted number allowed: One per lot, parcel, or tract
4. All such signs shall be landscaped to sufficiently screen the sign structure base.

#### **B) Wall mounted sign structure**

1. Maximum Size: 2.0 sq. ft. per lineal ft. of building facade facing the primary road but not greater than fifty (50) square feet.

2. Maximum Height: Not extending above the building eave or 20' which ever is greater and not less than nine (9) feet above the sidewalk.
3. Permitted number allowed: One (1) per business establishment

### **C-3, Highway Business District and C-4, Interchange Commercial District**

#### **A) Free standing sign structure**

1. Maximum size: 300 sq. ft., except for property within 500 ft. of an interstate where a 400 sq. ft. maximum is allowed. (This amendment adopted by Lenoir City Council 6/25/01)
2. Maximum height: 30'
3. Permitted number allowed: One (1) for every two hundred and fifty (250) feet of road frontage along the primary highway. The distance between signs shall not be less than 100'.

#### **B) Wall mounted sign structure**

1. Maximum Size: Option A):1 sq. ft. per lineal ft. of building facade facing the primary road; Option B): one sign not exceeding fifty (50) square feet in area per development, tract, parcel or lot.
2. Maximum Height: Not extending above the building eave or 20' which ever is greater

#### **C) Informational/directional sign structures**

1. Maximum size: Two (2) square feet
2. Maximum height: Four (4) feet
3. Permitted number allowed: 3

### **O-1, Office - Professional District**

#### **A) Free standing sign structure**

1. Maximum size: 150 sq. ft. (This amendment adopted by Lenoir City Council 6/25/01)
2. Maximum height: 10'
3. Permitted number allowed: 1

#### **B) Wall mounted sign structure**

1. Maximum Size:  
Option A: 1.0 sq. ft. per lineal ft. of building facade facing the primary road;  
Option B: fifty (50) square feet per development, tract parcel or lot.
2. Maximum Height: Not extending above the building eave or 20' which ever is greater
3. Permitted number allowed: One (1) per business establishment

#### **C) Informational/directional sign structures**

1. Maximum size: Two (2) square feet
2. Maximum height: Four (4) feet
3. Permitted number allowed: 2

### **M-1, Light Industrial District**

#### **A) Free standing sign structure**

1. Maximum size: 200 sq. ft.
2. Maximum height: 30'
3. Permitted number allowed: 1

#### **B) Wall mounted sign structure**

1. Maximum Size:  
Option A: 1.0 sq. ft. per lineal ft. of building facade facing the primary road;  
Option B: 100 square feet per development, tract, parcel or lot
2. Maximum Height: Not extending above the building eave or 20' which ever is greater
3. Permitted number allowed: One (1) per business establishment

**C) Informational/directional sign structures**

1. Maximum size: Two (2) square feet
2. Maximum height: Four (4) feet
3. Permitted number allowed: 2

**M-2, Heavy Industrial District**

**A) Free standing sign structure**

1. Maximum size: 300 sq. ft.
2. Maximum height: 30'
3. Permitted number allowed: 1

**B) Wall mounted sign structure**

1. Maximum Size:  
Option A: 1.0 sq. ft. per lineal ft. of building facade facing the primary road;  
Option B: 100 square feet per development, tract, parcel or lot
2. Maximum Height: Not extending above the building eave or 20' which ever is greater
3. Permitted number allowed: One (1) per business establishment

**C) Informational/directional sign structures**

1. Maximum size: Three (3) square feet
2. Maximum height: Six (6) feet
3. Permitted number allowed: 4

*(This revision to Section 11-604 recommended by the Lenoir City Regional Planning Commission at the January 7, 1997 meeting, and approved by Lenoir City City Council on February 10, 1997.)*

**11-605. Swimming Pools.** No swimming pool or part thereof, excluding aprons, walks, and equipment rooms, shall protrude into any required front or side yard space except in the C-3, Commercial District swimming pools are permitted in front yards where the pool is operated in conjunction with a permitted use in that district.

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

Private swimming pools are permitted in the R-1, R-2, and R-3, Residential Districts, provided that the pool is intended and is to be used solely for the enjoyment of the occupants and the guests of the property on which it is located.

**11-606. Mobile Homes and Manufactured Home Communities.** The following regulations shall apply to mobile homes and manufactured home communities:

1. Single mobile homes are prohibited in any residential district. All mobile home occupied for living purposes shall be confined to manufactured home communities excepting

nonconforming mobile homes subject to Section 11-303 of this code, and temporary occupancies as provided for in Section 11-606 (2) of this code. Nonconforming mobile homes on individual lots, existing at the time of adoption of this amendment shall be permitted to be replaced with another mobile home provided said mobile home complies with all applicable codes and ordinances and provided further that if removed it shall be replaced within 90 days from the date of removal, otherwise the provisions of this Section shall apply.

*(This revision to Section 11-606 recommended by the Lenoir City Regional Planning Commission at the September 2, 1997 meeting, and approved by Lenoir City City Council on October 13, 1997.)*

2. A temporary permit not exceeding six (6) months may be issued for occupancy of a mobile home on a lot with another dwelling or building for living purposes where applicant can show that such occupancy is necessary to provide for the care of a sick or infirm person or the guarding of a construction site. A temporary permit may be renewed for a period of six months when the applicant can show that the conditions under which the permit was originally issued have not changed. Upon expiration of the temporary permit or upon a change in the circumstances under which the permit or its renewal was granted the mobile home shall be moved within thirty (30) days.
3. A permit may be issued for a mobile home to permanently locate on a site when such a unit is to be used solely for security personnel in conjunction with a school or similar facility as authorized by the Board of Zoning Appeals. In its review of the application for a permit, the Board may impose such condition on the use or location of said mobile home as it feels necessary to protect the health, safety and welfare of the general public.

#### 4. Manufactured Home Communities

##### a. **PURPOSE AND INTENT**

1. The purpose of these standards is to provide definitions, community, space and site plan requirements for the development of manufactured home land lease communities in Lenoir City, Tennessee. Manufactured home land lease communities can offer residents a lifestyle which is affordable, attractive, safe and maintenance free. Amenities such as clubhouses, swimming pools, and landscaped grounds are common elements. These features attract residents who desire such a lifestyle which can be provided in very affordable fashion only by manufactured home land lease communities.

2. It is the intent of this ordinance to promote the safety and health of the residents within the manufactured home land lease community and to enhance the development of such communities in Lenoir City, Tennessee.

##### b. **DEFINITIONS**

1. **Manufactured Home:** A structure constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq, as incorporated into law of the State of Tennessee through the adoption of the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act (TCA 68-36-202).

“Manufactured Home” means a structure, transportable in one or more sections, which, when positioned on the site, is fourteen body feet or more in width or forty body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this ordinance.

2. **Manufactured Home Land Lease Community:** Any single plot or tract of land of five or more acres where 15 or more manufactured or mobile homes are located on sites which are leased or rented to the homeowner by the land owner and other rental services are provided and which has been approved by the Lenoir City Board of Zoning Appeals.
3. **Manufactured Home Space:** A building site within a manufactured home land lease community on which a manufactured home is to be sited, complete with required parking, patios, decks, utilities, landscaping and which has frontage on a private road constructed specifically to the requirements of this ordinance.
4. **Mobile Home:** A structure, transportable in one or more sections, which is fourteen body feet or more in width and forty body feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

**c. MANUFACTURED HOME COMMUNITY DESIGN REQUIREMENTS:**

The following property development standards shall apply for all manufactured home land lease communities:

1. No parcel of land containing less than five acres and less than fifteen manufactured home spaces, available at the time of first occupancy, shall be used for a manufactured home community.
2. All structures/homes in the community shall be connected to a public sewer. The community shall not exceed a maximum density of six (6) dwelling units per acre. This space ratio shall include setbacks, access roads, automobile parking, and accessory building.
3. A peripheral setback of twenty-five feet shall be provided around the outermost boundary of the community, within which no structure shall be permitted.
4. The required boundary setback area shall be landscaped with landscape materials which provide a buffer for the community. This landscaped area may be provided through the preservation of existing vegetation, earthen berms or the planting of evergreen shrubs or trees which will attain a minimum height of six feet at maturity and which at maturity provides a visual screen of fifty (50) percent from adjoining property or roads.

5. Recreational and club house facilities maintained within each community shall provide an automobile parking area which complies with the parking space requirements.
6. Access streets within the manufactured home community shall be concrete or asphalt surfaced constructed to a width of not less than twenty-four feet. All streets shall comply with the requirements established in the municipal subdivision regulations, however the requirement for curbing shall be mountable concrete curbs with stormwater grates. Roadways in manufactured home communities shall be maintained as private drives and shall not be accepted as public roads by the city.
7. The street layout shall be designed to provide for continuous flow of traffic with traffic control signs placed where necessary.
8. Streets shall be identified by permanent signs identifying each street.
9. Street lighting shall be provided throughout the community at intervals which provide adequate amounts of light for traffic and pedestrian safety.
10. Solid waste storage and disposal systems shall be provided throughout the community with collection at least weekly. All dumpsters shall be enclosed with appropriate building materials and landscaped.
11. There shall be provided a park and recreation area having a minimum of two hundred and fifty square feet for each manufactured home space but in no case less than a total of two thousand five hundred square feet. Areas shall be consolidated into usable areas with minimum dimensions on all sides of not less than fifty feet. Appropriate playground equipment shall be required, the quantity shall be appropriate to the size of the community.
12. Each community shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, and storage space for supplies, maintenance materials, and equipment. Laundry facilities equipped with washing machines and dryers may be provided for use of home owners only.
13. The manufactured home community shall be maintained in a neat manner clear of litter, refuse, and debris.
14. Manufactured homes shall not be used for commercial, industrial, or other nonresidential uses within the manufactured home communities other than one managerial office for the community and/or home occupations allowed under the underlying zoning classification or as allowed as a Special Use or Use on Review.
15. The sale of manufactured homes shall be allowed in the community provided that the home is displayed and offered for sale on the site which is the intended location for the home. Homes may not be offered for sale on a retail basis in the community for siting outside the community.
16. Appropriate grading and drainage measures shall be taken during construction and thereafter to prevent erosion throughout the community and prevent the

accumulation or passage of water under any home. Stormwater detention within the community shall comply with section 11-615.

17. It is recommended that a paved or gravel surfaced parking area, appropriately screened from view, be provided for the parking or storage of boats, RV's and additional vehicles exclusively for residents of the community. The storage of boats, RV's or similar vehicles shall not be permitted on the site given limited space and parking.
18. Any areas of the community not used for buildings or other structures, parking or roads shall be landscaped with grass, trees and shrubs, in accordance with section 11-616, and shall have pedestrian walkways (min. of 4' in width), all of which shall be designed and maintained to accepted standards.
19. Where provided or allowed, accessory or storage buildings (not exceeding 150 square feet in area) on each space shall be constructed with permanent building materials and shall have an appearance which is compatible with the manufactured home and its surroundings.
20. It shall be the responsibility of the community owner to see that these requirements are met. The building inspector shall have the right to make inspections of the community to ensure that the requirements are met.
21. Underground electric/utility lines and cables are recommended within the community. Overhead electric/utility lines and cables shall be permitted within the community.

**d. MANUFACTURED HOME SPACE REQUIREMENTS**

Each manufactured home space shall provide the following:

1. Each space shall have a minimum size of six thousand square feet.
2. There shall be a minimum setback of fifteen (15) feet from all access roads within the manufactured home community.
3. Each space shall have a minimum width at the home setback line of fifty (50) feet.
4. Each space shall abut a minimum of forty (40) feet upon an access road and thirty (30) upon a cul-de-sac.
5. Manufactured homes shall be placed on each space to provide a minimum twenty (20) foot clearance between homes, between any additions such as decks, and from any permanent building within the community, but not less than ten (10) feet from any site boundary line.
6. There shall be two (2) 10' x 20' sealed surface off-street parking spaces provided to accommodate two (2) cars, which shall be on the same site as the home served.
7. Each space shall be provided with a deck or hard surfaced patio of at least one hundred fifty (150) square feet.

8. Each space shall have a permanent site number or address sign that is clearly visible from the street and located on each power panel box serving the home.
9. There shall be permanent steps with a landing area provided for each home's exterior doors.
10. Accessory buildings, where provided, shall set back five feet from all lot lines.
11. All manufactured homes shall be sited in conformance with the State of Tennessee Manufactured Home Anchoring Act.
12. Within sixty (60) days of siting a home on a space, a skirting material compatible with the home's exterior siding shall be securely fastened around the structure from the bottom of the home to the ground.

**e. SITE PLAN REQUIREMENTS:**

1. The following information shall be shown on the manufactured home community site development plan drawn to a scale of 1"=100' or larger. Plans submitted shall be prepared by a licensed design professional in engineering, architecture or landscape architecture:
  - a. The location and legal description of the proposed community.
  - b. Plans and specifications of all buildings, improvements, and facilities constructed within the community.
  - c. The proposed use of buildings shown on the site plan.
  - d. The location and size of all manufactured home spaces including a typical drawing showing the proposed configuration of single section and multi-section sites.
  - e. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
  - f. The location of all landscaping to be provided.
  - g. The location of all lighting standards to be provided.
  - h. The location of all walls and fences, indicating their height and the materials of their construction.
  - i. The location of all off-street parking facilities.
  - j. The name and address of the applicant.
  - k. Such other engineering and topographic data as may be required to permit the Board of Zoning Appeals to determine if the provisions of this ordinance are being complied with.
  - l. Restrictive covenants or lease requirements.

2. The development plan of the manufactured home community shall be submitted to as a Use Permitted on Review.
3. A revised development plan shall be submitted for approval of any changes, alterations, amendments, or extensions to the development plan. Approval of such changes may be granted if, in the opinion of the Board of Zoning Appeals, the requested changes would be in keeping with the intent and provisions of this ordinance.
4. No building permit shall be issued for construction of any building or location of any manufactured home on the land until the Board has approved the development plan and a statement of approval has been affixed.
5. The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.

*(This revision to Section 11-606 recommended by the Lenoir City Regional Planning Commission at the February 10, 1997 meeting, and approved by Lenoir City Council on May 12, 1997.)*

**11-607. Development Standards for Certain Uses.** In order to accomplish the purposes of the zoning code, special consideration is hereby given to certain uses.

1. Gasoline service stations. The following regulations shall apply to all gasoline service stations:
  - a. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet.
  - b. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
  - c. Sign requirements as established in this ordinance shall be met.
2. Cemeteries. The following regulations shall apply to all cemeteries:
  - a. The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.
  - b. Any new cemetery shall be located on a site containing not less than ten (10) acres.
  - c. All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty (30) feet from any property line or street right-of-way.
  - d. All required yards shall be landscaped and maintained.
  - e. Proposals for cemeteries must be approved by the Board of Zoning Appeals prior to the issuance of a building permit.
3. Automobile wrecking, junk, and salvage yards. The following regulations shall apply to all automobile wrecking, junk, and salvage yards:

- a. No automobile wrecking, junk, and salvage yards shall be permitted closer than three hundred (300) feet from any residential district.
- b. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

**11-608. Erosion and Sedimentation Control Standards.** The purpose of these regulations is to empower the appropriate officials of Lenoir City to control any land-disturbing activity that is determined by such officials to cause contamination of water supplies and water resources, the clogging of water-courses and ditches, sinkholes or natural drainage ways; or erosion of land which may jeopardize existing structures, roadway, or adjacent property, and protect or preserve the urban forest. The requirements of this section shall also apply to mining operations, petroleum drilling or exploration and all land clearing activity. This section shall apply to all districts within Lenoir City, Tennessee.

1. Definitions: For the purpose of this section the following definitions of terms shall apply:

- Tree: means woody vegetation 3” or greater in diameter at 4.5 feet above the ground.
- Land disturbing activity: means any land disturbance resulting from the movement of equipment within property or altering the physical topography of real property which disturbs existing vegetation and soil from its natural and undisturbed state.
- Land clearing activity: means the removal of woody vegetation 3” or greater in diameter at 4.5 feet above the ground.
- Urban forest: means all of the trees and associated vegetation within the corporate limits of Lenoir City.

2. Permits. Any site of three acres or more shall have a valid grading and/or clearing permit issued by the building inspector for that particular site before commencement of any grading, excavation, or clearing work. Any site with less than three acres shall not be required to obtain a permit, however, such tracts are not excluded from the general requirements of this ordinance.

- a. Permit requirements. The applicant shall submit the following information for the entire tract of land to be graded, excavated, and/or cleared before a permit is to be issued.
  - i. A boundary line survey of the site on which the work is to be performed.
  - ii. Plans and specifications of soil erosion and sedimentation control measures conforming to the requirements as outlined in this ordinance.
  - iii. The development sequence of construction events as related to the control of soil erosion and sedimentation.
  - iv. For a clearing permit, a site plan showing trees or groups of trees shall be submitted for review. Trees to be removed shall be designated.

3. Exclusions. No grading, excavation, and/or clearing permit shall be required for:
  - a. Nursery operations, such as the removal and/or transplanting of cultivated soil shrubs and trees.
  - b. Garden plots; lawn preparation of landscaping activities or existing lots or parcels unless the possibility for erosion and sedimentation or alteration of drainage is such to necessitate a grading permit as determined by the administrator.
  - c. Agricultural land management practices such as plowing, mowing or cultivation.
  - d. Projects owned by a government agency.
  - e. Strip and surface mining regulated by State and Federal statutes.
  - f. Sanitary landfills operated and conducted in accordance with the requirements and rules adopted by Loudon County or municipalities and State of Tennessee.
  - g. Land clearing activities involving less than 25% of the trees.
4. Maintenance. Any person, firm or entity engaged in or conducting any land disturbing and/or land clearing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during development of the site. Following activity by any firm or entity, responsibility for maintaining permanent measures shall be borne with the property owner who shall insure compliance with these regulations. If during the one (1) year period, repairs or maintenance are required to said measures and facilities, then there shall be a further period of responsibility of one (1) additional year. Thereafter such responsibility shall be with the landowner except for those improvements which have been accepted by the commissioner/inspector.
5. Maximum slope permissible
  - a. The finished slope of any excavation must not exceed 2:1. The slope is calculated as the slope or degree of inclination from the horizontal.
  - b. Slopes left exposed will, within thirty (30) working days of completion of any phase of grading be planted or otherwise provided with a ground cover, devices or structures sufficient to restrain erosion.
  - c. In order to maximize land area, a retaining wall may be constructed which will preclude the requirement for slope along the face of the wall. Any land exposed and extending above such retaining wall shall not exceed a slope of 2:1.
6. Ground Cover
  - a. Whenever land disturbing and/or land clearing activity is undertaken on a tract, a vegetative ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on that portion of the tract upon which further active construction is not being undertaken. Periodic or intermittent land disturbing and/or land clearing activity does not preclude the intent of this section. Activity must be of a weekly nature.

- b. On angled or graded slopes constant efforts must be undertaken to restrain erosion during and after excavation.
7. Drainage/runoff
- a. No land disturbing and/or land clearing activity shall be permitted in proximity to a lake or any water course or drainage way unless:
    - i. A buffer zone is provided along the margin of the water-course of sufficient width to confine visible siltation or sediment deposit.
    - ii. A sufficient drainage and/or runoff plan has been submitted to the building inspector and approval received. This approval is contingent on the plans intent on preserving the character of the land, and preserving the drainage course.
  - b. Any land disturbing and/or land clearing activity shall be so conducted to eliminate unnecessary runoff and/or drainage into properties or public rights-of-way.
8. In the areas zoned C-3, M-1, or M-2 where trees cannot be retained or do not exist, the provisions of Section 11-616 shall apply.
9. Enforcement and penalties
- a. Any person, firm or entity engaged in land disturbing and/or land clearing activity, who fails to comply with an order to control erosion and sedimentation by planting or otherwise providing sufficient ground cover, devices or structures to restrain erosion within the time specified in the order, the building inspector may cause such work to be performed as he so deems necessary in order to comply with the aforementioned regulations.
  - b. The amount of the cost of such work ordered by the building inspector shall result in a lien against the real property upon which such cost was incurred.
  - c. A penalty shall be levied in the amount of ten (10) percent upon the cost of such work per year or any portion thereof, plus interest on the cost of such work at the prevailing interest rate as determined by the city recorder.
  - d. Performance Guarantee  
A performance guarantee shall be posted with the City Recorder's Office prior to obtaining a permit in order to insure that funds are available to correct or mitigate any impact on public infrastructure or adjoining property caused by land disturbing activities. Such guarantee shall be required if the activity involved three (3) or more acres in size. A cash surety of not less than \$5,000 or a surety or performance bond in the amount of not less than \$25,000 shall be submitted. The City shall hold surety until such time as a certificate of occupancy is approved. If, in the opinion of the building inspector, a greater or lesser amount is deemed appropriate the inspector shall recommend and justify an alternative amount to the Planning Commission. The amount of surety shall only be increased or decreased upon approval of the Planning Commission for activities which have an unusual impact or circumstances on the community.

**11-609. Performance Guarantee.** In order to accomplish the intent of the zoning ordinance, no building permit shall be issued for any commercial or industrial development until such time as an appropriate guarantee of completion is accepted by the city recorder. Following the filing of such a guarantee and submission of an acceptable site plan, the building inspector shall issue a building permit to the applicant.

1. Performance guarantees. The following guarantees will be accepted by the City:
  - a. Cash surety in the amount of five thousand dollars (\$5,000).
  - b. Surety bond in the amount of twenty-five thousand dollars (\$25,000).
2. Guarantee not a release. The filing of an acceptable guarantee by the applicant does not release the applicant from performing the required improvements and standards adopted by the City. If in the event said applicant fails to construct required improvements then the performance guarantee may be forfeited and credited to the City to offset all construction and administrative costs incurred by the City. The City may, in addition to the guarantee, take appropriate legal recourse to insure completion of the project.
3. Release of guarantee. The City Administrator shall release the guarantee following recommendation by the building inspector or planning staff. In no case shall a guarantee be released until all requirements within eighteen (18) months following the issuance of the permit. The Planning Commission may extend above time frame for large projects or for unusual circumstance.

**11-610. Demolition and Excessive Waste Material Removal Guarantee.** Any contractor, business, or individual engaged in construction, renovation, demolition, lawn maintenance, or tree trimming, tire recapping, or other activities for hire, creating excessive amounts of waste/debris within the corporate limits of the City, shall be required to remove all refuse, demolition material, tree trimmings, old tires or other unusual quantities of materials from the site of activity. In no case shall a contractor or individual utilize public rights-of-way for the storage of any material. Prior to commencing any construction, renovation, demolition, or tree trimming activity, the contractor or his agent shall post a bond, letter of credit, or cash in the amount of five percent (5%) of the project (but not less than fifty dollars [\$50.00]). Release of the guarantee shall be authorized by the building inspector upon issuance of a certificate of compliance. The guarantee shall be forfeited if demolition material, refuse, tree trimmings, etc. is not removed within ten (10) days of completion of the project. The City, at its discretion, shall remove such materials for a fee established by the City Administrator and/or the Street Department Supervisor, or may take legal action to insure the compliance with the provisions of this section.

**11-611. Regulations Governing Above Ground Fuel Storage Tanks.** The following regulations shall apply to the use of above ground fuel storage tanks:

- a. Above ground fuel storage tanks shall be permitted within any industrial district and for agricultural operations provided such tanks comply with requirements of the National Fire Protection Association.
- b. Use of above ground fuel tanks for residential use shall be restricted to home heating use only, provided such tanks comply with NFPA standards.
- c. All other uses of above ground fuel tanks or use within any other zoning district is prohibited.

**11-612. Temporary Structure.** Any structure which is not of a permanent nature and which does not meet the Southern Standard Building Code, shall be prohibited except as herein provided.

- a. A permit may be issued for a temporary structure in the C-2, Central Business and C-3, Highway Commercial Districts provided they are located on the same property with and serve as an accessory use for the principal building. Permits shall be restricted to three per year not exceeding 14 days each. The structure shall meet all building setbacks and shall not create any hazardous situation either by its location or construction.

**11-613. Modular Structures.** The use of modular structures shall be permitted in all zoning districts under the jurisdiction of the Lenoir City Regional Planning Commission. Such structures shall correspond to the definition of a modular structure under Section 11-204. All such structures shall be constructed upon a permanent foundation. (As amended 10-27-80)

**11-614. Site Plan Review.** All persons, business, or organizations applying for a building permit must first submit two (2) copies of a site plan for all commercial, industrial, office and multi-family residential development. A permit will not be issued unless a site plan has been submitted to and approved by the Office of Planning and Community Development.

**11-615. Storm Water Control Standards**

A. Purpose: To effectively control the discharge of storm water resulting from urban development and to protect public and private properties from inundation of storm water.

B. Definitions:

**Ten-year frequency flood** - a flood with a ten percent (10%) chance of being equaled or exceeded in any given year.

**Detention Basin:** A permanent basin constructed to protect downstream facilities by providing temporary storage of peak discharges from surface water runoff on a developed site and releasing the stored water at controlled rates not to exceed pre-development discharges under specified storm frequencies.

**Pre-developed Discharge:** The present or natural peak storm water discharge from a site generally before significant development occurs and within a specified storm duration and frequency.

**Post-development Discharge:** The present or natural peak storm water discharge from a fully developed site within a specified storm duration and frequency.

**Watercourse:** Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed or banks, and shall include any area adjacent thereto subject to inundation by reason of overflow of surface water.

C. Watercourse Protection: Watercourses shall be maintained in order to carry storm water from adjacent properties or public rights-of-way. The filling of any watercourse is prohibited unless the property owner/developer can successfully demonstrate that an alternative approach will meet the intent of this section. The city engineer shall approve

any alternative plan and the filling of any existing watercourse, not within a designated floodplain.

D. Drainage System Design Criteria: The following criteria shall be followed in the design and installation of storm water drainage systems.

1. The installation of drainage pipe is required for all driveways which connect into a City Street. This requirement and specifications herein noted, is applicable on any roadway section which does not have curbing.

2. Driveway side drains shall be a minimum of 16 gauge for corrugated metal pipe (CMP), or class III concrete for pipe diameters to 18". For pipe 24" n diameter or larger, the CMP shall be 14 gauge or class III concrete. Pipe shall extend beyond the edges of the driveway and shall terminate with a concrete flared headwall. No pipe shall be installed which is less than 15" in diameter. For single-family driveway permits, the Street Department Superintendent shall determine the need for or minimum size pipe for installation. The Superintendent shall also have the authority to approve an alternative headwall design which is suitable for the site.

3. Catch Basins shall be integrated into any new roadway construction where curbing will be installed. Catch basins shall be TDOT 12-32 (standard drawing D-CB-12-32) modified to accept the frame and grate as shown on standard drawing D-CBB-12A or other designs of comparable quality as approved by the county. Total casting weight shall be a minimum of 730 lbs. per catch basin. Castings shall be aligned using plan normal gutter elevations which shall be adjusted to allow for a 2' sump at face of curb.

All catch basins shall be labeled with the following environmental message: "No Dumping: Drains to River" Use of graphic environmental symbol like a fish should be integrated with the message. *(Added 1/28/08 by City Council of Lenoir City)*

4. Enclosed storm drains, which collect and convey drainage on, across, and through public rights-of-way, shall conform to existing subdivision requirements. Pipe shall extend beyond the ROW and shall terminate with a flared concrete headwall (see illustration 1). Rip rap/quarry or field stone 4" to 8" shall be placed a minimum of 6' beyond the headwall and laid over erosion control matting material equal to Erosion Control Fabric 955 by Synthetic Industries, Inc.

5. Standards for enclosed systems: The minimum design criteria used for calculating the size of enclosed drainage systems shall be based on a ten-year (10) flood frequency, 24 hour duration storm. For major system designs, the city engineer and development engineer shall determine other appropriate criteria which is consistent with the intent of this section.

6. All hydrologic and hydraulic computations utilized in the design of storm water appurtenances and detention facilities must be prepared by a registered engineer proficient in the field of hydrology and hydraulics and licensed in the state of Tennessee. An acceptable method for calculating runoff and detention facilities is outlined in "Urban Hydrology For Watersheds", 2nd Edition, U.S. Soil Conservation Service, Technical Release #55.

E. Permits: No driveway shall be constructed onto a city road until a permit is obtained and approved by the city road engineer or representative. A permit can be obtained at the City Street Department.

F. Storm Water Detention

Storm water detention shall be required for any road construction, commercial, industrial, educational, institutional, and recreational developments of one (1) acre or more. Multi-family residential developments of two (2) acres or more and single-family residential developments of five (5) acres or ten (10) lots shall comply with these standards. The Board of Zoning Appeals may waive these requirements if the applicant can demonstrate that compliance is unnecessary or not feasible.

Standards: The engineer will be required to use generally accepted standards and procedures for calculating the release of storm water from the site before and after development, and institute control measures on site so that downstream peak discharges at post-development are generally reduced to pre-development conditions. The design criteria for the sizing of detention basins and drain pipes is based on a 24-hour storm of a ten-year frequency under the pre-development conditions of the site (4.8 inches), and a 24-hour storm of 25-year frequency under the post-developed condition (5.5 inches).

All stormwater design plans shall include best management practices (BMP's) designed to improve water quality being released from the site. Design plans shall identify the water quality improvement design features included and the expected reduction in pollutants being released from the site. *(Added 1/28/08 by City Council of Lenoir City)*

G. Storm Water Plan

Storm water drainage and detention plans must be submitted to the City five (5) days prior to the issuance of a permit. The plan can be integrated into the site plan when requesting a building permit, or as part of a subdivision plat.

H. Erosion Control

Effective erosion control measures shall be required during construction to eliminate sedimentation on public rights-of-way or watercourses. The use of straw bales or silt fencing is typically the most prevalent, however other suitable methods will be permitted.

I. Exemptions

The requirement for detention, hydrologic or hydraulic computations, plans and preparation by an engineer are not applicable for single family residences or duplexes on individual lots.

**Section 11-616. Landscape Screening & Buffering Requirements.** The following requirements shall apply to all multi-family, office and commercial developments. These requirements do not apply to any development if the property is less than 32,670 sq. ft. in land area.

A. Landscaping

Landscaping shall be integrated into building arrangements, topography, parking, and buffering requirements. Landscaping shall include trees, shrubs, ground cover, perennials, annuals, art, and the use of building and construction materials in a manner that respects

the natural topographic features and natural resources of the site. A detailed landscape plan shall be submitted with the site plan when requesting a building permit.

For each acre, or pro-rated fraction thereof, the following minimum standards shall apply:

Canopy Trees: Three (3) canopy trees with a minimum five (5) inch caliper; or six (6) canopy trees with a minimum three (3) inch caliper; or eight (8) canopy trees with a minimum two (2) inch caliper.

Shrubs: Thirty-five (35) shrubs with a minimum height of 18 inches.

Minimum Area: There shall be a minimum of ten (10) square feet of landscaping for each parking space provided within the development. Retail automobile sales establishments shall conform to one-half the minimum requirements.

Location: Landscaping shall be integrated into parking areas, buffer areas and open spaces. The design shall maximize the visual effect to motorists and adjacent properties. Consideration will be give to mature trees which remain on the site following completion of construction. Trees with a caliper size less than the minimum stated above will not be calculated as mature trees.

B. Screening & Buffering

Parking areas in commercial areas shall be adequately screened/buffered so as not to adversely impact contiguous residential areas. The impacts of headlight glare, noise, and traffic movement shall be mitigated by utilizing berms, evergreens, shrubs, deciduous trees or any combination to achieve the stated objective. Screening shall not be less than four (4) feet in height, shall be provided from the grade of the property upward, and shall be permanently maintained.

C. Alternative Design Proposals

The Board of Zoning Appeals is granted the authority to consider & approve alternative design proposals which meet or exceed the intent of these requirements.

**Section 11-617. Standards for the Location of Telecommunication Towers**

**Purpose:** This ordinance establishes general guidelines for the siting of communication towers and antennas as herein defined. The following standards serve to:

- 1) protect residential areas from adverse impacts, including aesthetic considerations, of towers, antennas and ancillary structures;
- 2) encourage tower locations in areas least impacted by such uses;
- 3) minimize the number of towers through co-location; and
- 4) to insure the safety of tower construction.

**Definitions**

- **Antenna:** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals.

- **FAA** means the Federal Aviation Administration
- **FCC** means the Federal Communications Commission
- **Height** means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- **New Towers and antennas** means any new towers or antennas in the municipality shall be subject to these regulations, except as provided in exceptions.
- **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This term shall include the structure and any support structures.

### **Exceptions**

The requirements of this section shall not apply to towers serving amateur radio operators or radio stations provided such towers are less than forty (40) feet in height. Any tower existing at the time of adoption of this amendment shall not be required to meet the standards of this section.

### **General Requirements**

1. **Principal or accessory uses:** Antennas and towers may be considered as either principal or accessory structures and uses. A use of a different nature on the same lot shall not preclude the erection of a tower or antenna on such lot.
2. **Lot area.** For the purpose of this ordinance the lot area shall be interpreted to include the dimensions of the entire lot, even though the antennas or towers may be located on leased parcels within such lot. There are no minimum lot area requirements for the locating of towers or antennas. Land area shall be guided by the setbacks which shall be maintained the duration the tower is in operation. For towers antennas not in operation see requirements for abandonment.
3. **Setbacks:** The setbacks for towers or antennas shall conform to the following requirements which are based on the district the structure is located in.
  - Residential Districts: Towers located in residential zones shall maintain a minimum setback of five hundred (500) feet from any property line.
  - Non residential districts: Setbacks for towers or antennas located adjacent to a residential zone a minimum setback of 25 feet, plus an additional one foot for every three feet a tower exceeds 35 feet shall apply. When adjacent properties are of the same or higher zoning classification, towers and antennas shall maintain the setback for the district.
  - For any district, guy wires for towers and above ground supports for guy wires shall be set back from side and rear property lines a minimum of ten (10) feet. No guy wire shall be located in any required front yard.

## **Landscaping**

The following landscaping standards shall apply:

1. For all towers, at least one row of evergreen trees or shrubs capable of forming a continuous hedge at least five feet in height and screening the base of the tower from public view within two years of planting. Landscaping shall be planted and maintained in healthy condition. A break in the hedge, not to exceed 12 feet in width shall be allowed for access for maintenance personnel and vehicles.
2. New or existing vegetation, earthen berms, existing topographic features, walls, building and features other than those described above may be used to meet the requirements of these regulations.
3. Any new vegetation shall be in place within 30 days of the completion of the installation of any tower and its appurtenances, except that this deadline shall be extended if necessary to delay the planting to the next planting season.

## **Co-location**

Co-location refers to the accommodation of more than one primary user of a tower which allows multiple telecommunication company's to locate on the tower. It is the intent of these requirements to require that new towers constructed accommodate multiple users. Towers less than 130 feet in height shall be designed to accommodate one additional user, while towers over 130 feet must accommodate two or more additional users. Prior to obtaining approval for a tower, the applicant shall provide a letter of intent agreeing to allow co-location on that tower as long as: 1) the capacity exists, 2) the co-locator agrees to pay reasonable charges, and 3) the potential use would not create technical interference's with existing antenna. The applicant shall submit information concerning availability of suitable existing towers, alternative technologies or existing structures which may be used for locating. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic areas which meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered

transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceeds new tower or antenna development shall not be presumed to render the technology unsuitable.

**Tower removal and abandonment**

The operator, or owner of real property on which the tower or structure is located shall provide the city with a copy of the notice of intent to the FCC to cease operations of the tower or system as a whole. The owner has 90 days from the date of ceasing operations to remove the tower. In cases where the FCC does not require a notice of intent, the owner must notify the City within 90 days after operations cease. Failure to do so is a violation of the zoning provisions.

**Removal Bonds or surety**

Prior to the issuance of a permit to construct a tower, the applicant (property owner) shall secure and submit to the City a performance bond or other acceptable financial surety which provides for funds to remove the structure in the event the tower owner fails to comply with removal upon ceasing of operations.

**Applications and review**

Prior to the issuance of a permit from the City, the applicant shall provide the codes enforcement office with the following information:

1. Name and address of company or individual requesting permission to place a tower or antenna.
2. Address of proposed site.
3. Type of facilities to be placed.
4. Site and landscaping plans prepared by a registered engineer.
5. A report including the description of the tower with technical reasons for its design.
6. A letter granting co-location of multiple users and ability of tower to accommodate additional carriers.
7. Documentation from an engineer establishing the structural integrity of the tower.
8. Typical site plan providing site boundaries, location of existing structures within the area of minimum setbacks, landscaping, access, tower foot print and perspective with dimensions, topographic features of the site and any other such information the Board or building official may deem necessary for review.
9. Documentation providing adequate performance bond or other surety approved by the City.
10. A statement indicating that applicant has exhausted all avenues as to co-location.

**Administrative Review**

Permits to construct a tower or antenna within a non residential zone requires submittal of plans and required documentation to the codes enforcement office. Within non residential zones towers and antennas are permitted uses. Within residential zones towers and antennas are permitted as a special exception through the Board of Zoning Appeals. Requests for a special exception are made by contacting the building officials office and submitting the required applications, plans and other documentation. Review before the Board of Zoning Appeals or codes enforcement office requires a 60 day review period.

*(The addition of Section 11-617 was recommended by the Lenoir City Regional Planning Commission 10/6/98; approved by Lenoir City Council 11/16/98.)*

**SECTION 11-618. SEXUALLY ORIENTED ADULT BUSINESSES**

**Purpose:** The following conditions, restrictions, and definitions shall govern the location, permitting and licensing of Sexually Oriented Adult Businesses.

**Location Restrictions:** Sexually oriented adult businesses shall be permitted as a special exception in the M-2 (Heavy Industrial District). Due to the secondary effects associated with sexually oriented adult businesses, like crime, health, safety, and traffic issues, no sexually oriented adult business shall be permitted to locate within one thousand feet (1,000') of any residential district, school, daycare, park, recreation center, place of worship or other sexually oriented adult business. Measurements shall be taken from the nearest recorded property line of the sexually oriented adult business to the nearest property line or boundary of the above mentioned uses. In addition to the requirements stated hereto, the Board of Zoning Appeals (BZA) may impose other restrictions as are deemed necessary in order to protect the health, safety and general welfare of the community.

**General Restrictions (Disclosure Requirements) and Licenses:** As part of the application process for a special exception to the BZA, the principals of the sexually oriented adult business shall provide the necessary verifiable documentation regarding any convictions of any sexual assault, child molestation, or any similar illegal or deviant sexual conduct as well as any felony drug convictions. This information is necessary to determine the responsibility of individuals associated with such business. Applicants shall be required to submit to the BZA a letter from the local law enforcement agency verifying that the applicant has no prior legal convictions of a sexual nature or drug felony conviction committed within the past five (5) years. The business manager shall file with the law enforcement agency the names, addresses, social security numbers, and identification of each employee within thirty (30) days of employment. No minor or any person convicted of any sexual assault, child molestation, or any similar illegal or deviant sexual conduct as well as any felony drug conviction within the past five (5) years shall be employed in a sexually oriented adult business. Within thirty (30) days of employment, the employer shall make available to the local law enforcement agency the following information:

1. Name and address of the individual;
2. Description of the individual including finger prints obtained by the law enforcement agency;
3. A statement from the individual that they have no prior convictions of a sexual nature nor have they been committed for any mental illness relating to any sexually deviant behavior or conviction for drug use or trafficking within the past five (5) years.

The law enforcement agency shall make available to the appropriate building official correspondence, statements or applications pertaining to sexually oriented adult businesses which shall be filed with the special exception. Failure to obtain the necessary approvals from the law enforcement agency or failure to comply with the provisions of this article shall constitute a violation of this Ordinance and may jeopardize the approval of a special exception.

**Applications for Special Exception:** No sexually oriented adult business shall be allowed to operate unless said business has received the approval or approval with conditions from the Lenoir City Board of Zoning Appeals (BZA). In reviewing the application, the BZA shall be provided with a tax map or GIS map indicating compliance with the restrictions for spacing as stated above, an engineered site plan meeting the requirements for businesses (setbacks shall conform to the M-2 district), interior layout plan for the building, names and addresses of individuals directly affiliated with the business (principal owners) and correspondence from the law enforcement agency certifying that the applicant has no prior legal convictions of a sexual nature or drug felony conviction committed within the past five (5) years.

**Building Restrictions:** The interior space of any sexually oriented adult business shall be designed in such a manner as to avoid private rooms except for customary restrooms and business office. Viewing rooms or private rooms, including partitions for customer use, shall not be permitted. Display or sales areas shall be visible upon entering the building in order for enforcement agencies to completely evaluate compliance with these provisions.

**Revocation and Hearing:** Expansion, relocation, substantial misrepresentation, violation of any of the terms of this ordinance or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and conditions set forth in the approval of the special exception by the BZA shall constitute grounds for revocation of the special exception after notice and hearing. Notice of the hearing before the BZA 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 last known address at least five (5) days prior to the date set for the hearing.

*(The addition of Section 11-618 was recommended by the Lenoir City Regional Planning Commission 6/2/99; approved by Lenoir City Council 6/28/99.)*

## CHAPTER 7

### ENFORCEMENT

#### SECTION

##### **11-701. Enforcing Officer**

##### **11-702. Building Permit Required**

##### **11-703. Issuance of Building Permit**

##### **11-704. Certificate of Occupancy**

##### **11-705. Records**

##### **11-706. Violations and Remedies**

##### **11-707. Amendments to the Zoning Ordinance**

**11-701. Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by a Building Inspector who shall have the power to make such inspections of buildings or premises as are necessary to carry out his duties in the enforcement of this ordinance.

The Building Inspector shall be appointed by the chief legislative body of the City of Lenoir City, Tennessee.

**11-702. Building Permit Required.** It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, until the Building Inspector has issued a building permit for such work.

**11-703. Issuance of Building Permit.** In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this zoning code, and other ordinances of the City of Lenoir City, Tennessee, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing, with the cause.

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

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

**11-704. Certification of Occupancy.** No land or building or part thereof hereafter erected or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, building, or part thereof, and the proposed use there are found to be in conformity with the provisions of this ordinance.

Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof and the

proposed use thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, to state such refusal in writing with the cause.

**11-705. Records.** A complete record of applications, sketches, and plans shall be maintained in the Office of the Building Inspector.

**11-706. Violations and Remedies.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined under the general penalty clause of this code. In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building structure or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy of such building, structure, or land.

**11-707. Amendments to the Ordinance.** The regulations and the number or boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the Lenoir City Council, but in accordance with the Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to and approved by the Lenoir City Regional Planning Commission or, if disapproved, shall receive a majority vote of the entire membership of the Lenoir City Council. Before finally adopting any such amendment, the City Council shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation of the City. Rezoning requests submitted to the Planning Commission shall not be resubmitted if the request has been considered by the Planning Commission within 180 days.

## CHAPTER 8

### BOARD OF ZONING APPEALS

#### SECTION

#### **11-801. Creation and Designation**

#### **11-802. Procedure**

#### **11-803. Appeals, How Taken**

#### **11-804. Administrative Reviews**

#### **11-805. Special Exceptions**

#### **11-806. Procedure for Authorizing Special Exceptions**

#### **11-807. Variances**

**11-801. Creation and Designation.** A Board of Zoning Appeals is hereby established in accordance with Sections 13-705 through 13-707, Tennessee Code Annotated. As permitted by Section 13-705, Tennessee Code Annotated, the Lenoir City Regional Planning Commission is hereby designated as the Board of Zoning Appeals.

**11-802. Procedure.** Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action thereon. Such records shall be public records.

**11-803. Appeals, How Taken.** An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear in person, by agent, or by attorney.

**11-804. Administrative Reviews.** The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance; and for interpretation of the zoning map as provided in Section 11-402.2.

**11-805. Special Exceptions.** The Board of Zoning Appeals shall have the power to hear and decide applications for special exceptions (uses and structures permitted on review by the Board of Zoning Appeals) as specified in this ordinance and for decisions on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass under this ordinance.

**11-806. Procedure for Authorizing Special Exceptions.** The following procedure is established to provide for the application of uses permitted as special exceptions by the Board of Zoning Appeals.

1. Application. An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the

property owners and existing land uses within four hundred (400) feet, and any other material pertinent to the request which the Board may require. A one hundred (\$100.00) dollar review fee shall accompany each application requesting special exception approval.

2. Restrictions. In the exercise of its approval, the Board may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of this ordinance.
3. Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
4. Time Limit. All applications for "special exceptions" shall be decided within forty-five (45) days of the date of application, and the applicant shall be provided with either written notice of approval or denial.

**11-807. Variances.** The Board of Zoning Appeals shall have the power to hear and decide applications for variances from the terms of this zoning code, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of adoption of this zoning code was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary situations or conditions of a piece of property, the strict application of the provisions of this zoning code would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this zoning code. A one hundred (\$100.00) dollar review fee shall accompany each application requesting approval of a variance.

In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features or use as it may deem advisable in furtherance of the purpose of this zoning code.

CHAPTER 9

AMENDMENT AND LEGAL STATUS

SECTION

11-901. Amendment

11-902. Legal Status

**11-901. Amendment.** Such regulations, restrictions, and boundaries, as are provided for in this ordinance, may be amended, supplemented, changed, modified, or repealed by the chief legislative body of Lenoir City, Tennessee. All changes and amendments shall be effective only after official notice and public hearing.

No amendment shall become effective unless it is first submitted to and approved by the planning commission, or, if disapproved, shall receive a majority vote of the entire membership of the Board of Mayor and Aldermen of Lenoir City, Tennessee.

**11-902. Legal status.** In case of conflict between this zoning code or any part thereof, and the whole or part of any existing or future ordinance of the City of Lenoir City, Tennessee, the more restrictive provisions shall in all cases apply.

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

Section 2. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1st reading \_\_\_\_\_, 1978

Passed 2nd reading \_\_\_\_\_, 1978

Passed 3rd reading \_\_\_\_\_, 1978

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder