

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

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CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one, two, and three years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1994 Code, § 14-101)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions and duties in accordance with all Tennessee Code Annotated, title 13. (1994 Code, § 14-102)

CHAPTER 2

ZONING ORDINANCE

SECTION

- 14-201. Definitions.
- 14-202. General provisions.
- 14-203. Zoning districts and map.
- 14-204. Specific district regulations.
- 14-205. Supplementary regulations.
- 14-206. Administration and enforcement.

14-201. Definitions.¹ Unless otherwise stated, the following words shall, for the purpose of this ordinance, be interpreted as follows:

(1) "Alley." Any public or private way set aside for public travel less than twenty-two feet (22') in width which affords a secondary means of vehicular access to abutting property.

(2) "Automobile storage" or "parking space." An area reserved and suitable for automobile storage, standing or parking space. Each parking or standing space shall be a minimum of two-hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street or alley.

(3) "Boarding or rooming house." Any dwelling in which three (3) or more persons either individually or as families are housed for hire with or without meals.

(4) "Buffer strip." A greenbelt planted strip not less than ten feet (10') in width. Such a greenbelt planted strip shall be composed of one (1) row of evergreen trees, spaced not more than twenty feet (20') apart, and not less than two (2) rows of staggered shrubs or hedges, spaced not more than five feet (5') apart and which grow to a height of five feet (5') or more after one (1) full growing season and which shrubs will eventually grow to not less than ten feet (10').

(5) "Building." Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers (mobile homes), billboards, signs, and similar structures whether stationary or movable.

(a) "Principal building." A building in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on

¹The present tense includes the future tense, the singular includes the plural, and the plural number includes the singular.

which it is situated. Carports and garages if attached to the building are deemed part of the principal building.

(b) "Accessory building." A subordinate building, the use of which is incidental to that of a principal building on the same lot.

(6) "Dwelling." A house, apartment building, mobile home, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, hotels or other permanent structures designed for transient residence.

(a) "Single-family." A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only.

(b) "Multi-family." A residential building designed for or occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

(7) "Dwelling unit." A building or portion thereof providing complete housekeeping facilities for one (1) family.

(8) "Family." One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, motel, or other structures designed for transient residence.

(9) "Height of building." The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building, excluding spires, towers, domes not for human occupancy, flag poles, masts, or aerials.

(10) "Home occupation." An occupation carried on in the home, provided that such occupation be incidental to the residential use to the extent that no more than twenty-five percent (25%) of the total usable area of the principal and accessory buildings is occupied by such occupation; no service be offered on the premises except that produced by such occupation; such occupation shall not require internal or external alteration or construction features, no on-site sale of retail items be allowed equipment or machinery not customary in residential areas. See § 14-205(4)(c) for a comprehensive listing of applicable development standards. Should a question arise as what activities qualify as being incidental, a decision by the board of zoning appeals shall rule.

(11) "Landscape treatment." The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.

(12) "Loading space, off-street." Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

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

required in this ordinance. All lots shall front on and have access to a street. "Lot" includes the words "plot" or "parcel."

(14) "Lot depth." Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(15) "Lot frontage." The front of a lot shall be construed to be the portion nearest to the street.

(16) "Lot line." The boundary dividing a given lot from a street, an alley, or adjacent lots.

(17) "Lot of record." A lot which is part of a subdivision recorded in the office of the county registrar, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(18) "Lot width." The distance between the side boundaries of the lot measured at the front building line.

(19) "Mobile home." A single family dwelling designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembling operations, location on jacks or permanent foundation, connection to utilities, and the like.

(20) "Mobile home park." A lot, portion, or parcel of land designed for or which is intended to be used to the accommodation of two (2) or more residential mobile homes or trailers.

(21) "Non-complying." Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:

(a) Location along district boundary;

(b) Accessory off-street parking and loading; either on the effective date of this ordinance or as a result of any subsequent amendment.

(22) "Non-conforming use." A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the zone in which it is located.

(23) "Parking space." An area reserved and suitable for automobile storage, standing, or parking. Each parking space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with a safe vehicular access to a public street.

(24) "Person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(25) "Shall" is mandatory; the word "may" is permissive.

(26) "Sign." An attached or free-standing structure conveying some information, knowledge, or idea to the public.

(27) "Special exception (use permitted upon appeal)." A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the Gordonsville Board of Zoning Appeals.

(28) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

(29) "Street." A publicly maintained right-of-way, other than an alley, which affords a primary access to abutting property.

(a) "Centerline of street." That line surveyed and marked by the Town of Gordonsville as the centerline of the street, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

(b) "Street line." The property line which bounds the right-of-way set aside for use as a street. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

(30) "Structure." Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

(31) "Total floor area." The area of all floors of a building including finished attics, finished basements, and covered porches for purposes of habitation.

(32) "Used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

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

(34) "Yard." A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however that fences, walls,

poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

(a) "Front yard." The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

(b) "Rear yard." The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.

(c) "Side yard." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches. (Ord. #03-12-00, Dec. 1987)

14-202. General provisions. For the purpose of the zoning ordinance there shall be certain general provisions which shall apply, except as specifically noted, to the town as a whole.

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

(2) Nonconforming lots and nonconforming uses of land. Any nonconforming use which existed lawfully at the time of enactment of this ordinance and which remains nonconforming and any use which shall become nonconforming upon enactment of this ordinance or any subsequent amendments thereto may be continued subject to the following provisions.

(a) Nonconforming lots of record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimension and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the board of zoning appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this

ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

(b) Change of nonconforming use. (i) General provisions. For the purpose of this section, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

(ii) Change to a conforming use. A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(iii) Change to another nonconforming use. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same 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.

(c) Expansion of nonconforming uses. Nonconforming industrial, commercial or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district. The property on which the expansion will take place must be owned by such industry or business situated within the area which is affected by the change in zoning. Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted.

(d) Destruction and restoration of nonconforming uses.

(i) Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in Tennessee Code Annotated, § 13-7-208.

(ii) Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may

be reconstructed provided that all provisions of Tennessee Code Annotated, § 13-7-208, are followed.

(e) Discontinuance. When a nonconforming use is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

(3) Number of principal structures on a lot. (a) In the R-1, Residential District, and the C-1, General Business District, only one (1) principal structure and its customary accessory structures shall hereafter be erected on any individual lot.

This provision does not apply to group housing developments, including mobile home parks, provided they adhere to separate provisions subsequently outlined in this ordinance.

(b) No building shall be erected on a lot which does not abut at least one (1) public street, unless an easement at least fifty feet (50') in width to a street is provided and such easement is accepted as a public thoroughfare. Such building shall conform to the lot and yard requirements of the district in which it is located.

(4) Rear yard abuts a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street or property line as required for adjacent properties which front on that street.

(5) Reductions in lot area prohibited. No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(6) Obstruction to vision at street intersection prohibited. On a corner lot within the area formed by the center lines or the intersecting or intercepting streets and a line joining points on such center lines at a distance of fifty feet (50') from their intersection, there shall be no obstruction to vision between their height of three and one-half feet (3 1/2') and a height of ten feet (10') 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.

(7) Off-street automobile storage (parking). (a) In all districts 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 planning commission.

(i) Single- and two-family dwellings. Not less than two (2) spaces for each dwelling unit.

(ii) Multiple-family dwellings. Not less than one and one-half (1 1/2) spaces per dwelling unit.

(iii) Boarding houses and rooming houses. Not less than one (1) space for each one (1) room occupied by boarders or roomers.

(iv) Tourist accommodations. Not less than one (1) space for each room offered for tourist accommodations.

(v) Churches. One (1) space per five (5) seats; or one (1) space per forty (40) square feet of auditorium floor space, whichever is greater.

(vi) Hotels. Not less than one (1) space for each guest room.

(vii) Manufacturing or other industrial 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.

(viii) Commercial building or use. Two (2) spaces for each two hundred (200) square feet of floor space in general business districts.

(ix) Shopping centers. Two (2) spaces for each one hundred (100) square feet of floor space.

(x) Medical or dental clinics. Four (4) spaces per doctor or dentist or one (1) space for each one hundred (100) square feet of usable floor space, whichever is greater.

(xi) Filling stations. Three (3) spaces for each grease rack or similar facility, plus one (1) space for each two (2) employees.

(xii) Theaters, auditoriums, stadiums, or other uses designed to draw an assembly of persons. Not less than one and one-half (1 1/2) spaces for each five (5) seats provided in such place of assembly.

(xiii) Offices. One (1) space for each one hundred (100) square feet of office space.

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

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

(c) Combination of required parking space. The required parking space for any number of separate uses may be combined in one

(1) lot but 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.

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

(e) Requirements for design of parking lots. (i) 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.

(ii) Each parking space shall be no less than two hundred (200) square feet in area.

(iii) Entrances and exits for all off-street parking lots shall comply with the requirements of § 14-202(8) of this chapter.

(iv) The parking lot shall be drained to eliminate surface water.

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

(a) a point of access for vehicles onto a street shall not exceed thirty feet (30') in width.

(b) There shall be no more than two (2) points of access to any one (1) public street for each four hundred feet (400') of lot frontage, or fraction thereof; provided, however, that lots less than eighty feet (80') in width shall have no more than one (1) point of access to any one (1) public street.

(c) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five feet (25').

(d) No point of access shall be allowed within fifteen feet (15') of the right-of-way line of any public intersection.

(e) No curbs on town streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.

(f) Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

(9) Off-street loading and unloading space required. Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley.

Such space shall have access to a public or private alley or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

| Total Usable Floor Area in Square Feet for Each Principal Building | Spaces Required |
|--|---|
| 0 to 5,000 sq. ft. | One (1) space |
| 5,000 to 10,000 sq. ft. | Two (2) spaces |
| 10,000 to 15,000 sq. ft. | Three (3) spaces |
| 15,000 to 20,000 sq. ft. | Four (4) spaces |
| Over 20,000 sq. ft. | Four (4) spaces plus one (1) space for each additional 20,000 sq. ft. |

(10) Maximum building height. (a) For all residential structures the maximum building height shall be thirty-five feet (35') or three (3) stories.

(b) For all other permitted structures the maximum building height shall be fifty feet (50') or four (4) stories; provided that for other structures, in addition to general yard requirements, one foot (1') shall be added to required front and side yards for each foot of height over thirty-five feet (35').

(c) These provisions do not apply to spires, towers, domes not for human occupancy, flag poles, masts, silos, chimneys, or aerials. (Ord. #03-12-00, Dec. 1987)

14-203. Zoning districts and map. (1) Establishment of districts. For the purpose of this ordinance, the Town of Gordonsville is hereby divided into zoning districts, as follows:

- (a) R-1, Residential District;
- (b) C-1, General Business District;
- (c) I-1, Light Industrial District;

(d) I-2, Heavy Industrial District;

(e) A-1, Agricultural District.

(2) Provision for official zoning map. (a) The boundaries of the above zoning districts are hereby established as shown on the map entitled, "Zoning Map of Gordonsville, Tennessee," dated December 3, 1987, which is a part of the zoning ordinance and which is on file in the office of the Gordonsville Town Clerk.

(b) If, in accordance with the provisions of this ordinance and Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the board of mayor and aldermen, together with an entry on the official zoning map. The amending ordinance shall provide that such changes or amendments shall not become effective until after such change and entry has been made on said map.

(c) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under § 14-206(7) of this chapter.

(d) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the town clerk shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the town.

(3) Replacement of official zoning map. In the event that the official zoning map becomes damaged, lost or difficult to interpret because of the nature or number of changes and additions, the board of mayor and aldermen may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map to any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

(4) Rules for interpretation--C-1 district boundaries. (a) District boundaries, unless otherwise indicated on the official zoning map, shall be platted lot lines, the center line of streets or alleys, midway between railroad tracks, the center lines of streams, rivers or other bodies of water, or the corporate limit lines as they exist at the time of the enactment of the zoning ordinance.

(b) Where a district boundary divides a lot existing at the time the zoning ordinance 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 twenty feet (20') within the more restricted district.

(c) Where the property on one side of a street between two (2) intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on that street in that block. It is the purpose of the ordinance to limit business, and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the board of zoning appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the zoning ordinance shall be observed.

(d) Any questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals.

(5) Annexation of territory. (a) All territory which may hereafter be annexed to the Town of Gordonsville shall be considered by the planning commission and assigned an appropriate classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous town limits.

(b) Annexed territory and the subsequent zoning of such territory shall be reflected on the zoning map of Gordonsville, Tennessee, in the manner described in § 14-203(2) of this ordinance. (Ord. #03-12-00, Dec. 1987)

14-204. Specific district regulations. (1) R-1 Low Density Residential District. (a) General description. The purpose of the R-1 District is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-1 Low Density Residential District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Single family detached dwellings; excluding mobile homes.

(ii) Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include

noncommercial gardens and greenhouses, tool sheds, private garages, swimming pools and the like.

(iii) Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, and not to exceed eight (8) square feet in area.

(iv) Essential utility services and facilities.

(c) Uses permitted on appeal (special exceptions). Following the submittal of a development plan (see § 14-206(3)), for the purposes of determining the impact on the surrounding residential uses (including provision of parking, possible traffic or other safety hazards, and nuisances), and after public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(i) Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (see § 14-205(8)); provided that not over twenty-five percent (25%) of the total area of the dwelling is so used. For purposes of advertising such use, one (1) sign not over two (2) square feet in area, may be used.

(ii) Public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; cemeteries (per § 14-205(4)(b)); and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.

(iii) Home occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than twelve (12) children (per § 14-205(10)(a)), or other customary incidental home occupations. All home occupations subject to specific requirements in § 14-205(4)(c).

(iv) Churches and other places of worship, and parish houses.

(d) Uses prohibited. (i) Multi-family residential uses, commercial, retail and wholesale uses, and industrial uses are prohibited.

(ii) The overnight parking of any vehicle in excess of three (3) tons is prohibited.

(iii) The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or building is prohibited.

(iv) Any use not specifically permitted or permissible on appeal is also prohibited.

(e) Minimum lot area, width, and yard requirements. The principal building shall be located so as to comply with the following requirements:

- (i) Minimum lot area (with sewer) 12,000 sq. ft.
- (ii) Minimum lot area (without sewer) . . . 20,000 sq. ft.
- (iii) Minimum lot width at building setback line . . . 75 ft.
- (iv) Minimum depth of front yard:
 - (A) Minor street 35 ft.
 - (B) Collector street 40 ft.
 - (C) Arterial street 50 ft.
- (v) Minimum depth of rear yard 30 ft.
- (vi) Minimum width of side yard on each side:
 - (A) One or two story building 15 ft.
 - (B) Three story building 20 ft.
- (vii) Minimum width of side yards on corner lots shall be the same as minimum front yard for other structures fronting the side street.

(f) Location of accessory buildings. Accessory buildings shall meet the following provisions:

- (i) No accessory building shall be erected in any front or side setback area. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five feet (5') from all lot lines and fifteen feet (15') from any other building on the same lot.
- (ii) A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.
- (iii) On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure shall be nearer the side street line than the depth of any required front yard or a dwelling along such side street.
- (iv) No accessory building shall exceed one (1) story in height or twenty feet (20') total (peak of roof to ground).

(g) Building area. On any lot area occupied by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the total area of such lot.

(h) Maximum building height. No structure should exceed three (3) stories or thirty-five feet (35') in height.

(i) Parking requirements. Uses in the R-1 District shall conform with the provisions of § 14-202(7) of this chapter.

(j) Access requirements. Uses in the R-1 District shall conform with the provisions of § 14-202(8) of this chapter.

(2) R-2 High Density Residential District. (a) General description. The purpose of the R-2 District is to provide a high density residential environment having good access to schools, public water and sewer, and

other community services, but well separated from other incompatible uses and activities. Within the R-2 High Density Residential District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Any use permitted in the R-1, Low Density Residential District.

(ii) Duplexes, apartments and multi-family residential uses, provided that for more than two (2) dwelling units, a development plan (see § 14-206(3)) must be submitted to the planning commission and subsequently be approved. Apartments and multi-family dwelling units shall adhere to the requirements as cited in § 14-205(5) herein.

(iii) Essential utility services and facilities.

(c) Uses permitted upon appeal (special exceptions). Following the submittal of a development plan (see § 14-206(3)), for the purposes of determining the impact on the surrounding residential uses (including provision of parking, possible traffic or other safety hazards, and nuisances), and after public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(i) Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (see § 14-205(8)); provided that not over twenty-five percent (25%) of the total floor area of the dwelling is so used. For purposes of advertising such use, one (1) sign not over two (2) square feet in area, may be used.

(ii) Public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; and cemeteries (per § 14-205(4)(b)).

(iii) Mobile home parks provided the provisions set forth in § 14-205(3), are complied with, including the submittal of a development plan (see § 14-206(3)(b)).

(iv) Residential care homes for the aged of eight (8) or less beds, provided the provisions of § 14-205(9), are complied with.

(v) Home occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than twelve (12) children (per § 14-205(10)(a)), or other customary incidental home occupations. All home occupations subject to specific requirements in § 14-205(4)(c).

(vi) Churches and other places of worship, and parish houses.

(d) Uses prohibited. (i) Commercial, retail, wholesale and industrial uses are prohibited.

(ii) The parking of any vehicle in excess of three (3) tons is prohibited.

(iii) The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or other building is prohibited.

(iv) Any use not specifically permitted or permissible on appeal is prohibited.

(e) Minimum lot area width, and yard requirements. The principal building or buildings shall be located so as to comply with the following requirements:

(i) Minimum lot area for single unit (with sewer) 10,000 sq. ft.

(ii) Minimum lot area for single unit (without sewer) 20,000 sq. ft.

(iii) Minimum for each additional unit over one 4,500 sq. ft.

(iv) Minimum lot width at building setback line 75 ft.

(v) Minimum depth of front yard:
 (A) Minor street 35 ft.
 (B) Collector street 40 ft.
 (C) Arterial street 50 ft.

(vi) Minimum depth of rear yard 30 ft.

(vii) Minimum side yard on each side:
 (A) One story building 15 ft.
 (B) Two story building 20 ft.

(viii) Minimum width of side yards on corner lots shall be same as the minimum front yard for other structures fronting the side street.

(f) Location of accessory buildings. Accessory buildings shall meet the following provisions:

(i) No accessory building shall be erected in any front or side setback area. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five feet (5') from all lot lines and fifteen feet (15') from any other building on the same lot.

(ii) A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.

(iii) On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure within twenty-five feet (25') of the common lot line shall have the same setback on the side street line as the setback of any front yard along such side street.

(iv) No accessory building shall exceed one (1) story in height or twenty feet (20') total (peak of roof to ground).

(g) Building area. On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty-five percent (35%) of the total area of such lot.

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

(i) Parking requirements. Uses in the R-2 District shall conform with the provisions of § 14-202(7) of this chapter.

(j) Access requirements. Uses in the R-2 District shall conform with the provisions of § 14-202(8) of this chapter.

(3) C-1, Limited Commercial District. (a) General description. The purpose of the C-1 District is to provide an area for the conduct of community and municipal retail and service businesses especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefitted by close proximity to other uses of similar nature and requirement.

It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, which cater to automobiles; which interfere with pedestrians or pedestrian circulation, or which create hazards, noise, vibration, smoke, dust, odors, glare, heat or other objectionable influences or nuisances.

Within the C-1, Limited Commercial District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Community-wide retail trade, including the following types of establishments; grocery, general merchandise, apparel, furniture, antiques, household and hardware, electronics, pharmacies and sundries, florists, sporting goods and similar uses.

(ii) Community-wide businesses and personal services including the following types of establishments: barber shops; beauty shops; shoe repair; video rental; laundering and dry cleaning establishments; restaurants, grills; and pawn shops.

(iii) Professional offices for doctors, lawyers, dentists, architects, artists, engineers, realtors, employment agencies, insurance agencies, travel agencies and similar uses.

(iv) Financial institutions.

(v) Public uses and structures, and public utility structures.

(vi) Schools; indoor theater.

(vii) "Bed and breakfast" per § 14-205(8).

(viii) Off-street parking lots and parking garages.

- (ix) Accessory uses of structures customarily incidental to the above permitted uses, including on-premise business signs.
- (x) Real estate signs, per provisions of § 14-205(2).
- (xi) Off-premise directional informational signs not over twenty-five (25) square feet.
- (xii) Essential utility services and facilities.

(c) Uses permitted upon appeal (special exceptions). After public notice and hearing and subject to all appropriate requirements, conditions and safeguards, the board of zoning appeals may permit as special exceptions:

- (i) Printing and publishing establishments.
- (ii) Child and adult day care facilities per § 14-205(10)(c).
- (iii) Churches and other places of worship, and parish houses.

(d) Uses prohibited. (i) Industrial uses.

(ii) Warehousing and storage, except those uses within and incidental to a permitted business or service structure.

(iii) Mobile homes for residential or commercial use; mobile home parks.

(iv) Use of mobile homes, trucks or tractor trailers for office space, storage or advertising.

(v) Sale or storage of gasoline or other explosives.

(vi) Truck terminals, junkyards, bus stations, moving companies.

(vii) Billboards and other similar off-premise advertising signs.

(viii) All other uses or structures not of a nature specifically permitted herein or permitted by implication. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of danger of fire or explosion, even under proper safeguards.

(e) Minimum lot area, width, and yard requirements.

(i) Minimum lot width at building line 75 ft.

(ii) Minimum lot requirements

(A) All uses and structures. . 15,000 sq. ft. minimum and meet other requirements herein.

(B) Churches 30,000 sq. ft. minimum plus off-street parking area requirements.

(iii) Minimum yard requirements. (A) Front yard. Thirty five feet (35'). If a building or buildings on an

adjacent lot or lots provide front yards less than thirty feet (30') in depth, a front yard equal to the average of adjacent front yards shall be provided.

(B) Rear yard. Twenty feet (20').

(C) Side yard. None is required. However, if an open area extending along a side lot line is provided, it shall be at least ten feet (10') wide, and it shall be unobstructed.

(D) If a lot in the C-1 district adjoins any residential district, the minimum setback from said residential district shall be thirty feet (30').

(E) Combined (zero) lot line walls shall have a four (4) hour fire resistance rating, or as specified by the Standard Building and Fire Prevention Codes, whichever is greater.

(iv) Building area. Not to exceed ninety percent (90%).

(v) Screening. Where a lot line is shared with an adjoining residential lot the owner of the commercial lot shall provide and maintain adequate landscaping along the entire lot line in order to provide a pleasant screen between these two (2) different but contiguous land uses.

(f) Maximum building height. Structures in the C-1 District shall not be higher than three (3) stories or thirty-five feet (35').

(g) Parking requirements. Structures in the C-1 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(h) Access requirements. Uses in the C-1 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(i) Off-street loading and unloading space requirements. Uses in the C-1 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(4) C-2 Highway Commercial District. (a) General description. The purpose of the C-2 Highway Commercial District is primarily to provide areas for the location of highway commercial business and those enterprises which are oriented toward serving occupants of automobiles and trucks and/or their vehicles.

Within the C-2 Highway Commercial District as shown on the official Gordonsville Zoning Map the following regulations shall apply:

(b) Permitted uses. (i) Retail businesses such as grocery store, drug store, florist, souvenir shop, hardware store, apparel, furniture, meat or fruit market, restaurant including sit-down and drive-in.

(ii) Banks, offices, barber and beauty shops, shoe repair shops, video rental, public parking garages and lots.

(iii) Hospital, clinic, nursing home, funeral home.

(iv) Child or adult day care (per § 14-205(10)(b) and (c)).

- (v) Hotel or motel; "bed and breakfast" (per § 14-205(8)).
- (vi) Schools, libraries, and parks.
- (vii) Theaters.
- (viii) Automobile service stations and convenience marts provided that inflammable/hazardous liquids in excess of five hundred (500) gallons are not stored above ground, and provided that the provisions of § 14-205(4)(a) are met.
- (ix) Dry cleaning and laundering facilities (self-service and retail).
- (x) Automobile, truck and tractor sales and service establishments.
- (xi) Building supplies where new building materials are sold and inventory is kept under roof.
- (xii) Veterinary services for small animal care.
- (xiii) Public and semi-public uses and structures, including governmental and utilities.
- (xiv) Accessory buildings or uses customarily incidental to aforementioned permitted uses, including on-premise business signs.
- (xv) Off-premise directional-informational signs not over twenty-five (25) square feet.
- (xvi) Billboards located only on Highway 53 one thousand feet (1,000') apart; only single-stack back-to-back permitted, not to project beyond the property line.
- (xvii) Essential utility services and facilities.
- (c) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to all appropriate requirements, conditions and safeguards, the board of zoning appeals may permit as special exceptions:
 - (i) Residential home for the aged;
 - (ii) Mini-warehouses;
 - (iii) Churches and other places of worship, and parish houses.
- (d) Uses prohibited.
 - (i) Industrial uses.
 - (ii) Warehousing, except mini-warehouses or those within and incidental to a permitted business or service structure.
 - (iii) Storage of explosives.
 - (iv) Storage above ground consisting of inflammable/hazardous liquids in excess of five-hundred (500) gallons.
 - (v) Truck terminals.
 - (vi) The overnight storage of inventory out-of-doors is prohibited except for operable motorized vehicles.

(vii) Storage of mobile homes overnight is not allowed unless located on the premises of a licensed mobile home sales lot.

(viii) Junkyards.

(ix) Mobile homes for residential or commercial uses, except as the office within a mobile home sales business.

(x) Mobile home parks.

(xi) The use of mobile homes for office space, storage or advertising, except temporary (not to exceed six (6) months) at a construction site and except at mobile home sales businesses. (See § 14-205(11) for temporary use regulations.)

(xii) All other uses not specifically permitted or permitted on appeal or implied in this district. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of fire or explosion, even under proper safeguards.

(e) Minimum lot area, width, and yard requirements.

(i) Minimum lot size 10,000 sq. ft.

(ii) Minimum lot width at building setback line . 100 ft.

(iii) Minimum depth of front yard:

(A) On arterial streets . . 50 ft. from right-of-way

(B) On collector and

local streets 35 ft. from right-of-way

(C) Both sides of a corner lot along a street are considered "front yard."

(iv) Minimum depth of rear yard:

(A) Adjoining residential district 25 ft.

(B) All other lots 15 ft.

(v) Minimum width of side yard on each side:

(A) All buildings (without a firewall) 15 ft.

(B) Adjacent to residential district 25 ft.

(C) Combined (zero) lot line walls, between commercial lots, shall have a four (4) hour fire resistance rating, or as specified by the building and fire codes, whichever is greater.

(vi) Maximum building area 40% of total area.

(vii) Screening. Where a lot line is shared with an adjoining residential lot, the owner of the commercial lot shall provide and maintain adequate landscaping along the entire lot line in order to provide a pleasant screen between these two (2) different but contiguous land uses. (See § 14-202 for specific requirements.)

(f) Maximum building height. No structure in the C-2 District shall exceed three (3) stories or thirty-five feet (35') in height.

(g) Parking requirements. Uses in the C-2 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(h) Access requirements. Uses in the C-2 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(i) Off-street loading and unloading space requirements. Uses in the C-2 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(5) I-1 Light Industrial District. (a) General description. The intent of the I-1 District is to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. It is the intent that permitted uses are conducted so that noise, odor, dust and glare of each operation is minimal.

Within the I-1, Light Industrial District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(b) Permitted uses. (i) Light manufacturing and assembly uses.

(ii) General office buildings, vocational learning and training centers and trade school, on-site day care centers, general contractors and specialty contractors.

(iii) Public and semi-public uses.

(iv) Public utilities.

(v) Accessory uses or structures customarily incidental to the above permitted uses.

(vi) Essential utility services and facilities.

(c) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(i) Public parks and public recreational facilities;

(ii) Gasoline, oil, propane or alcohol storage above the ground in excess of five-hundred (500) gallons provided state and federal fire prevention codes are complied with;

(iii) Truck terminals and transfer stations;

(iv) Building material storage yards for the storage of new materials where seventy-five percent (75%) or greater is stored under roof;

(v) Churches and other places of worship, and parish houses and stations.

(d) Prohibited uses. (i) Residential uses, including hotels and motels.

(ii) Industrial uses considered dangerous or unsafe.

(iii) Mobile homes for residential or commercial use and mobile home parks.

(iv) Uses considered by the board of zoning appeals to be incompatible with neighboring or surrounding uses.

(v) Any use which would cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, or other objectionable conditions. Outside storage of unscreened material is prohibited.

(e) Minimum lot area, width and yard requirements.

(i) Minimum lot width at building line 200 ft.

(ii) Minimum front setback:

(A) Arterial street 50 ft.

(B) Collector and local streets 40 ft.

(iii) Minimum rear setback:

(A) Minimum requirements 30 ft.

(B) Lots adjoining residential districts 50 ft.

(iv) Minimum side setback.

(A) Minimum requirements 20 ft.

(B) Lots adjoining non-industrial districts . 30 ft.

(C) Lots adjoining residential districts 50 ft.

(D) Corner lots--minimum side setback, plus an

additional fifty percent (50%), or the same front building setback of that of the adjoining structure adjoining said side yard, whichever is greater.

(v) Maximum lot coverage. Main and accessory buildings and structures and off-street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area.

(vi) Landscape treatment. (A) On-site improvements shall be properly landscaped and buffered to prevent any noticeable noise, dust, or obnoxious odors which would injure or disturb adjoining properties.

(B) The landscaping used shall not interfere with sight distances of motorists, nor obstruct needed views of buildings or their means of identification. All landscaping should be designed so as to require the minimum amount of maintenance. (See buffer strip in § 14-201, definitions.)

(f) Parking requirements. Uses in I-1 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(g) Access requirements. Uses in the I-1 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(h) Off-street loading and unloading space requirements. Uses in the I-1 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(6) I-2 Heavy Industrial District. (a) General description. This industrial district is provided for heavy manufacturing uses and processes with which are associated noise, odor, smoke, dust, glare, or other objectionable characteristics.

Within the I-2, Heavy Industrial District as shown on the official Gordonsville Zoning Map, the following regulations plus other appropriate provisions of this zoning ordinance shall apply:

(b) Permitted uses and structures. (i) Heavy manufacturing establishments, processes and facilities such as: the processing of primary metals, quarrying and mining operations, sawmills and other uses of a similar character.

(ii) Gasoline and oil storage above ground provided no storage tank or building shall be closer than one hundred feet (100') to any property line.

(iii) Any necessary use or building customarily incidental to the above permitted uses.

(iv) Essential utility services and facilities.

(c) Uses and structures permissible upon appeal (special exceptions). Other similar heavy industrial uses as determined by the board of zoning appeals and subject to such conditions and safeguards as may be required by said board in the interest of public health, safety, amenity, and welfare. The following uses shall not be approved as special exceptions until all pertinent safety aspects thereof have been adequately documented and validated, in detailed feasibility site studies prepared by licensed certified, and/or accredited professionals working in the pertinent fields of expertise: arsenals, atomic reactors, explosives manufacturing and storage, fireworks manufacturing, radioactive waste handling, heavy chemicals manufacture and storage. Churches and other places of worship, and parish houses.

(d) Prohibited uses and structures. Dwellings and any commercial or other use not expressly permitted or permissible upon approval by the board of zoning appeals.

(e) Area regulations. All buildings, structures, and principal operations shall be located so as to comply with the following minimum requirements:

(i) Minimum depth of front yard 50 ft.

(ii) Minimum depth of rear yard 50 ft.

(iii) Minimum width of side yards 40 ft.

(iv) Minimum width of side yards on

corner lots 50 ft.

(v) Minimum setback from any adjoining residential or agricultural district 100 ft.

(vi) Landscape treatment. (A) On-site improvements shall be properly landscaped and buffered to prevent any noticeable noise, dust or obnoxious odors which would injure or disturb adjoining properties.

(B) The landscaping used shall not interfere with sight distances of motorists, nor obstruct needed views of

buildings or their means of identification. All landscaping should be designed so as to require the minimum amount of maintenance. (See buffer strip in definitions, § 14-201).

(f) Parking requirements. Uses in the I-2 District shall conform with the provisions of § 14-202(7) of this zoning ordinance.

(g) Access requirements. Uses in the I-2 District shall conform with the provisions of § 14-202(8) of this zoning ordinance.

(h) Off-street loading and unloading space requirements. Uses in the I-2 District shall conform with the provisions of § 14-202(9) of this zoning ordinance.

(7) A-1 Agricultural District. (a) General description. The purpose of the A-1 District is to provide an area for agriculture and agriculturally oriented uses and structures in a low density environment.

Within the A-1 Agricultural District, as shown on the official Gordonsville Zoning Map, the following regulations shall apply:

(i) Permitted uses. (A) Farm homes and single-family detached dwellings, excluding mobile homes.

(B) Barns, greenhouses and other structures as accessory buildings customarily incidental to the aforementioned permitted uses.

(C) Churches and other places of worship, and parish houses.

(D) Essential utility services and facilities.

(b) Uses permitted on appeal (special exceptions). Following the submittal of a development plan (see § 14-206(3)(b)), for the purposes of determining the impact on the surrounding residential and agricultural uses including provision of parking, possible traffic or other safety hazards, and nuisances, the board of zoning appeals may also permit as special exceptions:

(i) Mobile homes on individual lots provided that provisions of § 14-205(3)(a) of the zoning ordinance are complied with.

(ii) Public libraries; schools offering general education courses; golf courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; cemeteries (per § 14-205(4)(b)); and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.

(iii) Bed and breakfast establishments by the family residing on the premises (see § 14-205(8)).

(iv) Home occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than seven (7) children (per § 14-205(10)(a)), or other

customary incidental home occupations. All home occupations subject to specific requirements in § 14-205(4)(c).

(c) Uses prohibited. Any use not specifically permitted or permitted on appeal is prohibited.

(d) Minimum lot area, width and yard requirements. The principal building shall be located so as to comply with the following requirements:

- (i) Minimum width at the building line 75 ft.
- (ii) Minimum depth of front yard:
 - (A) Local street 40 ft.
 - (B) Collector street 50 ft.
 - (C) Arterial street 60 ft.
- (iii) Minimum depth of rear yard 30 ft.
- (iv) Minimum width of side yard on each side:
 - (A) One or two story building 25 ft.
 - (B) Three story building 35 ft.
- (v) Minimum width of side yards on corner lots shall be

40 ft.

- (vi) Minimum lot area 1 acre.

(e) Location of accessory buildings. (i) No accessory building shall be erected in any front or side setback area.

(ii) Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five feet (5') from all lot lines and fifteen feet (15') from any other building on the same lot.

(iii) A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.

(iv) On any corner lot, adjoining in the rear another lot which is in an agricultural or residential district, no part of any accessory structure within twenty-five feet (25') of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

(f) Building area. On any lot of area occupied by all buildings, including accessory buildings, shall not exceed twenty-five percent (25%) of the total area of such lot.

(g) Maximum building height. No structure should exceed three (3) stories or thirty-five feet (35') in height.

(h) Parking requirements. Uses in the A-1 District shall conform with the provisions of § 14-202(7) of this ordinance.

(i) Access requirements. Uses in the A-1 District shall conform with the provisions of § 14-202(8) of this ordinance.

(8) F-1 Floodway District. (a) Floodway district. The Floodway District established by this ordinance is designed to promote the public health, safety, and general welfare and to minimize or eliminate loss of

life and property, health and safety hazards, disruption of commerce and governmental services, unusual public expenditures for flood protection and relief, and the impairment of the tax base by provisions designed to prohibit or restrict developments which are dangerous to health, safety, or property in times of flood, or which cause undue increases in flood heights or velocities; to require that developments vulnerable to floods, including public facilities which serve such developments, shall be protected against flood damage at the time of initial construction, and to protect individuals from purchasing lands which are unsuitable for development purposes because of flood hazards.

(i) Floodways established. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural cases, such as channel siltation or bridge openings restricted by debris. This ordinance shall not create a liability on the Town of Gordonsville or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Floodways are hereby established for the purpose of meeting the needs of the streams to safely carry flood waters; to protect the stream channels and their floodplains from encroachment so that flood heights and flood damages will not be appreciably increased; to provide the necessary regulation for the protection of the public health and safety in areas subject to flooding; and to reduce the financial burdens imposed on the community by floods. In applying the provisions of this ordinance, floodways shall be defined as follows:

(A) Along the Caney Fork, Mulherrin Creek, Hickman Creek and Agee Branch. The floodway as delineated by the flood insurance study, Town of Gordonsville, Tennessee, Smith County, and all subsequent revisions thereto. The boundaries of the floodway shall be shown on the official Zoning Map of the Town of Gordonsville, Tennessee. The flood insurance study adopted in 1999 shall be kept and maintained by the building inspector and shall be available for inspection and examination by the public during normal office hours.

(B) Along sinkholes and other low places and other areas of shallow flooding (AO and AH Zones). All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation

would be safe from the danger of inundation by the 100-year flood.

(C) Along areas of unmapped streams subject to special flood hazard. All small streams and creeks subject to periodic flooding which are unmapped and unzoned on Gordonsville's flood insurance rate map but are depicted either on USGS topographic maps or as streams or tributaries on any Gordonsville's official flood maps are subject to the requirements as cited within § 14-205(1) of this ordinance.

(ii) Uses permitted. In the F-1 Floodway District, the following open-type uses are permitted in the floodway subject to the approval of the planning commission and to such conditions as the planning commission may specify to preserve the character of adjoining districts and to protect the public interest:

(A) Uses permitted in the floodway district adjacent to residential districts:

(1) Agriculture and forestry uses, general farming, truck gardening, cultivation of field crops, orchards, nurseries, turf farming, livestock grazing, and other uses of a similar nature.

(2) Open-type public and semi-public recreational uses or facilities such as golf courses, driving ranges, archery ranges, picnic grounds, parks, playgrounds, and other uses of a similar nature provided no principal structure is located within the floodway.

(3) Yard areas, lawns, green and open spaces, wildlife habitat and refuges, hiking trails, nature trails, bikeways, and other uses of a similar nature.

(4) Railroads, streets, and bridges, provided "no-rise" certificates are submitted therewith.

(5) Public or private utilities.

(6) Marinas and boat launching ramps provided that no principal buildings are located within a floodway.

(B) Uses permitted in floodway adjacent to commercial and industrial districts:

(1) Any of the above permitted uses.

(2) Loading and unloading areas, parking lots, and other uses of a similar nature provided no principal structure is located within the floodway.

(iii) Uses prohibited. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or that could be injurious to human, animal, or plant life. The storage or dumping of wrecked or junked automobiles, machinery, or appliances.

(iv) Requirements for permitted uses for areas of special flood hazard with established base flood elevation and with floodways established. Located within all areas of special flood hazard where streams exist with base flood data and floodways also provided, the following provision applies:

No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles. In all such cases a "no-rise" certificate shall be completed, professionally stamped, and signed:

(A) No new structure for human habitation, including manufactured homes as defined in § 14-205(1)(e), modular homes, or cabins shall be permitted within any designated floodway.

(B) The following shall not be placed or caused to be placed in any designated floodway or in any stream channel: fences (except one- or two-wire stock fences), dams, embankments, levees, dikes, piles, abutments, fill, culverts, bridges, structures, or matter in, along, across or projecting into the floodway or stream channel which may constrict, retard, impede, or change the direction of the flow of floodwaters, either in itself or by catching debris carried by such water, or that is placed where the flow of floodwaters might carry the same downstream to the detriment of life or property.

(C) When a developer proposes to offset the effects of a development in the floodway or on the flood-carrying capacity of any stream by the construction of channel improvements, he shall submit to the planning commission an engineering study which fully evaluates the effects of such development. The study shall use the 100-year flood

as herein defined as the basis of such analysis. All adjacent communities and the Tennessee Local Planning Assistance Office shall be notified by the developer via certified mail of all such intended activities prior to any alteration or relocation of a watercourse, and he shall submit copies of such notifications to the federal insurance administrator. In addition, the developer shall assure the Town of Gordonsville, in writing, that the altered or relocated portion of the watercourse will be maintained such that its flow capacity is not diminished by debris accumulation, silt deposition or vegetative growth.

(D) Within any designated floodway, any building or structure in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if all the requirements are met:

(1) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

(2) Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one foot (1') above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of § 14-205(1) to a height of at least one foot (1') above the level of the 100-year flood.

(3) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point above the level of the 100-year flood, in accordance with the requirements of § 14-205(1).

(4) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study, Town of Gordonsville, Tennessee, by such reconstruction.

(E) No permit shall be issued for the construction or erection of any structure (temporary or permanent), including railroads, streets, bridges and utility, or for other development (temporary or permanent) within a designated floodway until the plans for such development have been

submitted to the planning commission, and approval is given in writing for such construction or use.

(F) In its review of the plans submitted, the planning commission shall be guided by the following standards, keeping in mind that the purpose of the floodway is to prevent floodplain encroachment which will increase flood heights or endanger life or property:

(1) No structure (temporary or permanent), fill (including fill for roads, levees, railroads, etc.), culvert, bridge, storage of equipment or materials, or other development shall be permitted which, acting alone or in combination with existing or future uses, decreases the flow capacity of the floodway or increases flood heights.

(2) Any permitted structure or filling of land shall be designed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjacent structures.

(3) Any permitted structure shall be of adequate structural strength to withstand the effects of water pressure and flood velocities and shall be firmly anchored to prevent flotation or lateral movement. (Ord. #03-12-00, Dec. 1987)

14-205. Supplementary regulations. For the purpose of the zoning ordinance these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

(1) Signs, billboards and other advertising structures. These conditions are established as a reasonable and impartial method of regulating signs and other advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. Several types of signs are depicted on Illustration 1. The regulations for signs and other advertising structures are as follows:

(a) For all zoning districts the following regulations for signs and other advertising structures shall apply:

(i) No sign shall be located in such a manner so as to obstruct free or clear vision, or cause hazards for vehicular or

pedestrian traffic by reason of location, shape, illumination or color.

(ii) No sign shall be located on, or attached to, any public property except public signs authorized by the Town of Gordonsville, Smith County, or the State of Tennessee.

(iii) No signs shall be painted or attached to any fence, trees, rocks, canopy posts, utility poles, and the like.

(iv) No sign shall be erected, replaced or relocated so as to prevent free ingress or egress from a required door, window or fire escape.

(v) No source of incandescent lighting used for illuminating signs shall be directly visible from any street or highway or from any residential district.

(b) In all zoning districts the following signs shall be permitted:

(i) For parking areas, entrance and exit signs not exceeding two (2) square feet in area and one (1) sign not more than nine (9) square feet in area identifying or designating the conditions of the use of such parking area.

(ii) On-premise and off-premise real estate signs not exceeding thirty-two (32) square feet in sign face area which advertise for the sale, rental or auction of land(s) or building(s). Such signs shall not be illuminated, shall not be more than six feet (6') in height, shall not be located on any public rights-of-way and off-premise real estate signs shall not be located for a period exceeding thirty (30) days.

(iii) Signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated and no such signs shall exceed an area of thirty-two (32) square feet, nor shall they remain standing after construction has been completed.

(iv) Signs established by, or by order of, any governmental agency.

(v) For special events of public interest, one (1) sign, not over twenty (20) square feet in area located upon the site of the event and removed within forty-eight (48) hours after the event but in no case shall such sign be displayed for a period longer than two (2) months in any one (1) calendar year.

(vi) Memorial plaques, cornerstones, historical tablets and the like.

(vii) Political signs displayed on private property with the consent of the property owner.

(c) In the R-1 and R-2 Residential and A-1 Agriculture Districts, the following regulations for signs and other advertising structures shall apply:

(i) Name plates indicating name, address, house number, announcement of boarders or roomers are permitted but shall not exceed two (2) square feet in area.

(ii) For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding nine (9) square feet in area are permitted.

(iii) Signs announcing customary home occupations are permitted, but shall not exceed four (4) square feet in area.

(iv) Church, school, or public building bulletin boards or identification signs, not exceeding thirty (30) square feet in area are permitted.

(v) For a subdivision consisting of forty (40) or more lots or a multi-family development consisting of twelve (12) or more dwelling units, one (1) permanent sign identifying the development at each major vehicular entrance is permitted, provided that all yard setbacks are complied with, and provided that the sign does not exceed eight feet (8') in height and forty (40) square feet in area.

(vi) Flashing or intermittent illumination is prohibited.

(vii) Billboards and similar off-premise signs are prohibited unless they are utilized for advertising along Interstate 40 with the following conditions:

(A) Situated within one hundred feet (100') of Interstate 40 right-of-way.

(B) No closer than one thousand feet (1,000') apart.

(C) Situated at least two hundred feet (200') away from any residential structure.

(d) In the C-1 and C-2 Commercial Districts, the following regulations for signs and other advertising structures shall apply:

(i) All signs permitted in the R-1 and R-2 Residential and A-1 Agriculture Districts, subject to the same regulations, are permitted.

(ii) On-premise signs shall not exceed two hundred (200) square feet in area, shall not be less than fifty feet (50') apart, and shall not be freestanding with a height of thirty-five feet (35') from grade.

(iii) Each commercial establishment shall be permitted one (1) wall sign for on-premise advertising per outside wall provided that such sign shall not exceed twenty-five percent (25%) of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for a sign that no roof sign shall be permitted.

(iv) Each commercial establishment which utilizes only one (1) wall sign shall be permitted one (1) integral or mansard roof sign for on-premise advertising provided that such integral or mansard roof sign shall not exceed fifty (50) square feet in sign face area or twenty-five percent (25%) of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial establishment, whichever is less.

(v) Each commercial establishment shall be permitted one (1) projection sign provided that such projection sign shall not exceed twenty (20) square feet in sign face area and shall not extend above the roof line of the building occupied.

(vi) Window and awning signs are permitted for commercial establishments.

(vii) For structures in the C-1 Limited Commercial District directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two feet (2') to any street pavement line and provided that no such sign shall obstruct free or clear vision or cause hazards for vehicles or pedestrian traffic.

(viii) Billboards and similar off-premise signs are permitted only in the C-2, General Commercial District along State Highway 53 subject to the following regulations:

(A) No billboard or similar off-premise sign shall exceed two hundred (200) square feet in area.

(B) No billboard or similar off-premise sign shall exceed fifty feet (50') in height as measured from the uppermost portion of the display surface area to the finished grade at the base of the sign or curb level, whichever provides greater height.

(C) Billboards and similar off-premise signs shall be erected or placed in conformity with the side, front, and rear yard requirements of the C-3, Highway Commercial District.

(D) No billboard or similar off-premise sign shall be erected or placed closer than within two hundred feet (200') of any residential district.

(E) No billboard or similar off-premise sign shall be erected or placed closer than within one thousand feet (1,000') of any other billboard or similar off-premise sign.

(F) All billboards and similar off-premise signs shall conform with all applicable state regulations including

those in the Tennessee Code Annotated and those of the Tennessee Department of Transportation.

(e) In the I-1 and I-2 Industrial Districts, the following regulations for signs and other advertising structures shall apply:

(i) All on-premise signs permitted on C-1 and C-2 Commercial Districts, subject to the same regulations, are permitted.

(ii) Billboards and similar off-premise signs are permitted in the I-1 and I-2 Industrial Districts subject to the following regulations:

(A) No billboard or similar off-premise sign shall exceed three-hundred (300) square feet in area.

(B) No billboard or similar off-premise sign shall exceed fifty feet (50') in height as measured from the uppermost portion of the display surface area to the finished grade at the base of the sign or curb level, whichever provides greater height.

(C) Billboards and similar off-premise signs shall be erected or placed in conformity with the side, front, and rear yard requirements of the I-1 and I-2 Industrial Districts.

(D) No billboard or similar off-premise sign shall be erected or placed closer than within three hundred feet (300') of any residential district.

(E) No billboard or similar off-premise sign shall be erected or placed closer than within one thousand feet (1,000') of any other billboard or similar off-premise sign.

(F) All billboards and similar off-premise signs shall conform with all applicable state regulations including those in the Tennessee Code Annotated and those of the Tennessee Department of Transportation.

(2) Mobile homes and mobile home parks. (a) Mobile homes on individual lots. Single-wide mobile homes are not allowed on an individual lot, but shall be located in an approved mobile home park.

An existing single-wide or double-wide mobile home in the R-1, R-2 or A-1 District can be removed and replaced with a new mobile home provided the setback requirements of the district are complied with and provided that it has a permanent concrete or masonry foundation and shall be anchored in accordance with State of Tennessee regulations, shall have a permanent driveway with off street parking for two (2) cars, shall be underpinned, shall meet all area regulations of the district, and further shall comply with all applicable federal, state and local housing building and construction codes.

(i) Materials used for underpinning shall be block, stone, vinyl or metal suitable for external residential construction.

(ii) Underpinning shall be painted to match the mobile home exterior.

(b) Mobile home parks. The following land development standards shall apply for all mobile home parks:

(i) No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.

(ii) The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

(iii) Dimensional requirements for parks:

(A) Each mobile home park shall have a front yard setback of thirty feet (30') exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.

(B) Each mobile home park shall provide rear and side yards of not less than fifteen feet (15'), exclusive of any required yards for each mobile home space, from the parcel boundary.

(C) In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty feet (30').

(D) No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty feet (30').

(E) Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

(iv) Dimensional requirements for mobile home spaces. Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

(A) Each mobile home space shall be at least thirty-six feet (36') wide and such space shall be clearly defined by permanent markers.

(B) There shall be a front yard setback of ten feet (10') from all access roads within the mobile home park.

(C) Mobile homes shall be harbored on each space so there shall be at least a twenty foot (20') clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance

shall not be less than fifteen feet (15'). No mobile home shall be located closer than twenty feet (20') from any building within the mobile home park.

(D) There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear side yard of said trailer space.

(E) Each mobile home space shall be provided with a pad which shall be a minimum of twelve feet by fifty feet (12' x 50'), which shall be constructed of four inches (4") of compacted gravel.

(F) The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be four thousand four hundred (4,400) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

(G) No mobile home park shall be permitted unless such park is served by a public water supply.

(v) General requirements. (A) Road within the mobile home park shall be paved to a width of not less than twenty-two feet (22') in accordance with the procedures and standards for minor residential streets as specified in the Gordonsville Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

(B) All mobile home spaces within the park shall abut an access road.

(C) Each mobile home space shall be provided with the connection to a public water and sewer line.

(D) Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.

(E) Cabanas, travel trailers, and other similar enclosed structures are prohibited.

(F) Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

(G) Ground anchors shall be installed at each mobile home space to permit tie downs of mobile homes.

(H) A buffer strip shall be planted around the external boundaries of the mobile home park (see § 14-205(2)).

(I) A fire hydrant shall be located within five hundred feet (500') of each mobile home as measured by the internal street system.

(J) The anchoring and tie down requirements of the State of Tennessee shall be adhered to.

(K) Mobile homes located in mobile home parks shall be underpinned. Materials used for underpinning shall be block, stone, vinyl or metal suitable for external residential construction. Underpinning shall be painted to match the mobile home exterior.

(L) In order to save water, master water meters will not be allowed. Each mobile home space shall be served by an individual water service line and meter.

(vi) Plans and schedules required. With the exception of subsection (D) below, the following information shall be shown on the required development plan (see § 14-206(3)(b)) at a scale no smaller than one inch equals one hundred feet (1" = 100'):

(A) The location and legal description of the proposed mobile home park.

(B) The location and size of all buildings, improvements and facilities constructed or to be constructed within the mobile home park.

(C) The proposed use of buildings shown on the development plan.

(D) A vicinity map showing the project site as it relates to surrounding streets and other natural and/or man-made features.

(E) The location, and size of all mobile home spaces.

(F) The location of all points of entry and exit for motor vehicles and the internal street.

(G) The location of all off-street parking facilities.

(H) The location of park and recreation areas.

(I) A listing of proposed recreational facilities and equipment.

(J) The name and address of the applicant.

(K) Topographic contours at five foot (5') intervals.

(L) A comprehensive drainage plan.

(M) A time schedule for development, which shall demonstrate the applicant's readiness and ability to provide

the proposed services. Said time shall be for a period of not more than one (1) year.

(N) All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of § 14-202(3) of this chapter.

(3) Special standards for certain uses. To accomplish the purposes of the zoning ordinance, special consideration is hereby given to certain uses. These uses shall comply with the following requirements regardless of the zoning district in which they may be located.

(a) Automobile service stations. (i) There shall be a building setback from all street right-of-way lines a distance of not less than forty feet (40') therefrom.

(ii) Gasoline pumps shall not be located closer than twenty-five feet (25') to any street right-of-way line.

(iii) Canopies covering pumps shall not be located closer than fifteen feet (15') of any street right-of-way.

(iv) Sign requirements as established in this § 14-205(1).

(v) Tanks in excess of five hundred (500) gallons shall be underground and shall meet the installation requirements of the State of Tennessee Fire Marshal's Office.

(b) Cemeteries. (i) The site proposed for any cemetery shall not interfere with the planned development of a system of streets as depicted on the community's major thoroughfare plan and in addition said site shall have direct access to a thoroughfare.

(ii) Any new cemetery shall be located on a site containing not less than ten (10) acres.

(iii) All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty feet (30') from any property line or street right-of-way line.

(iv) All required yards shall be landscaped and maintained.

(v) Proposals for cemeteries shall be approved by the planning commission.

(c) Incidental home occupation. An incidental 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. For such uses the following regulations shall apply:

(i) No stock in trade shall be displayed outside the dwelling.

(ii) No alterations to any building shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.

(iii) Only one (1) person, not a resident of the premises, shall be employed.

(iv) No more than twenty-five percent (25%) of the total floor area in any dwelling unit shall be devoted to such use.

(v) Sign not to exceed four (4) square feet, as established in § 14-205(1)(b).

(vi) No on-site retail sales shall be allowed.

(vii) Uses generating excessive traffic volumes or causing on-street parking problems will be prohibited.

(d) Swimming pools. (i) No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side yard.

(ii) The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five feet (5') in height and maintained in good condition.

(4) Group housing developments (apartments). (a) Application and development plan required.

(i) Purpose. To provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing developments in excess of two (2) residential structures on a single lot or tract of land, not subdivided.

(ii) An application shall be submitted to the planning commission consisting of a development plan (see § 14-206(3)(b)) drawn to a scale no smaller than one inch equals one hundred feet (1" = 100') setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

(b) Required development standards. (i) Location. The site shall abut a public street and comprise a single lot or tract of land except where divided by public street.

(ii) Area requirements must comply with all the requirements of the R-2 zoning district. Maximum development density shall be nine (9) dwelling units per acre four thousand eight hundred forty (4,840) square feet per dwelling unit. Minimum approvable lot size shall be fourteen thousand five hundred (14,500) square feet. Minimum space between buildings shall be thirty feet (30'), with a minimum of five (5) additional feet required per each additional story above two (2) stories. Minimum distance between buildings and the side and rear property lines shall be thirty feet (30'), with an additional five feet (5') required

per each additional story above two (2) stories. Minimum front building setback shall be thirty-five feet (35') adjoining a local street, forty feet (40') adjoining a collector street, or forty-five feet (45') adjoining an arterial street.

(iii) Internal driveways. (A) Driveways in the apartment complex shall be a minimum of eighteen feet (18') in width.

(B) Two (2) paved parking spaces shall be provided for each dwelling unit.

(C) Driveways shall be privately constructed and maintained.

(D) The base of driveways shall consist of crush stone or gravel, six inches (6") in depth, compacted.

(E) The surface of streets shall consist of asphalt or better materials, two inches (2") in depth, compacted.

(F) The minimum pavement width of driveways shall be eighteen feet (18').

(G) Closed ends of dead-end streets shall provide a vehicular turn-around at least ninety feet (90') in diameter.

(iv) Public street access. (A) The minimum distance between access points along public street frontage, centerline to centerline, shall be two hundred feet (200').

(B) The minimum distance between the centerline of an access point and the nearest curb line or street line of a public street intersection shall be one hundred feet (100').

(v) Utilities. (A) The development shall be connected to the Gordonsville sanitary sewer system.

(B) Six inch (6") water lines and fire hydrants shall be provided so that each structure is located within five hundred feet (500') of a hydrant, as measured by the interior street system.

(vi) Storage of waste. Any central refuse disposal area shall be maintained in such manner as to meet country health requirements, and shall be screened from view.

(vii) Service building. Service buildings housing laundry, sanitation, or other facilities for use by occupants, when provided, shall be permanent structures of similar construction to other buildings in the development.

(5) Parking and storage of large vehicles and trucks. In any residential or commercial district, no vehicle or trailer of any kind or type without current license shall be parked or stored on any lot other than in a completely enclosed building.

In any residential district, no truck of a rated capacity three (3) tons or greater nor any other truck painted with any sign, nor any other vehicle or

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 twenty-four (24) hours, except in an enclosed building or otherwise screened from view.

(6) Fences, walls and hedges. Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front portion of any front yard shall cause any impairment to vision, create safety hazards at any street intersection, nor be situated on any street right-of-way area.

(7) Bed and breakfast establishments. In those districts where authorized as a permitted use, or as a conditional use, the following supplementary regulations shall apply to bed and breakfast establishments:

(a) Bed and breakfast residences shall be established only within pre-existing single-family residences.

(b) Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.

(c) Bed and breakfast residences shall be solely operated by members of the family residing in the residence.

(d) Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.

(e) Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than two (2) square feet in size, and shall be located no closer to the street right-of-way line than fifteen feet (15').

(f) One and one-half (1 1/2) off-street parking spaces shall be provided for each rentable room in addition to the required two (2) spaces required for the single-family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.

(g) If food is prepared or cooked, a menu made available, and a price is charged therefor, a food server's license must be obtained from the Tennessee Department of Health.

(h) A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.

(i) An evacuation plan must be approved by the town's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.

(j) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.

(k) Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to the town's public sewerage system, certification shall be provided by the county environmentalist approving the subsurface disposal system as being adequate to serve the total number of bedrooms.

(8) Residential homes for the aged. Residential homes for the aged are allowed in the R-1, R-2 and C-2 Districts as special exceptions provided the following requirements are met:

- (a) Minimum site one (1) acre or more;
- (b) Minimum side and rear building setbacks shall be thirty-five feet (35');
- (c) There shall be a planted buffer strip around the side and rear of the project site (§ 14-201);
- (d) The project must be served by public water and sewer facilities;
- (e) Minimum parking requirements (§ 14-202(7)(a)) shall be one (1) space per two (2) beds, plus one (1) space for each employee, plus adequate area for emergency vehicles;
- (f) Structure to meet standard building and plumbing code;
- (g) Submit detailed development plan of property as per § 14-206(3)(b);
- (h) Use must be licensed by state as residential care home for aged.

(9) Day care centers. (a) Day care centers as home occupations. Day care centers operated within a home as a home occupation for the care of up to twelve (12) children including the children of those residing in the subject residence, are allowed in the R-1, R-2 and A-1 Districts as special exceptions subject to the following provisions:

- (i) The child care use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
- (ii) Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited for children's play space.
- (iii) There shall be a fence with the minimum height of four feet (4') surrounding the play space.
- (iv) Operator of a child day care home must be the owner and reside on subject property.
- (v) Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot only and shall not utilize more than fifty percent (50%) of the gross floor area of the main structure.

(vi) There shall be no less than one (1) accessory off-street parking space per each four (4) children.

(vii) Shall be licensed by the State of Tennessee.

(viii) Day care centers for more than twelve (12) children shall be located only in commercial zones or in the industrial zone as an accessory use.

(ix) Landscaped buffers and screening shall be provided where required in order to protect the adjacent properties.

(x) Access to the facility shall be such that no motor vehicle will be required to back onto any public street. A circular driveway is recommended for the loading and unloading of children.

(b) Day care centers operated as accessory uses to business or churches.

(i) A development plan shall be prepared and submitted to the planning commission for review per § 14-206(3)(b).

(ii) The facility shall be licensed by the State of Tennessee.

(iii) Parking shall be sufficient to accommodate all employees and day care patrons.

(c) Day care centers operated as the principal use. (i) Day care centers shall be located in the C-1, C-2 or I-1 Districts only.

(ii) Day care centers shall contain a minimum lot area of twenty thousand (20,000) square feet.

(iii) Day care centers shall be licensed by the State of Tennessee.

(iv) A development plan must be prepared and submitted to planning commission for review. (See § 14-206(3)(b).)

(v) Off-street parking shall be in accordance with the parking requirements cited in § 14-202(7)(a).

(10) Temporary use regulations. The following regulations are necessary to govern the operation of certain necessary or seasonal uses which are non-permanent in nature. Application for a temporary use permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a development plan (see § 14-206(3)(b)), to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow, and to the regulations of any district in which such use is located.

(a) Carnival or circus. May obtain a temporary use permit in the C-2, I-1, I-2 or A-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided, only

after a licensed mechanical engineer officially certifies in writing that all pertinent rides are safe.

(b) Christmas tree sale. May obtain a thirty (30) day temporary use permit for the display and sale of Christmas trees on open lots in any district.

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

(d) Religious tent meetings. In any district, except C-1, Limited Commercial District, a temporary structure may be permitted to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

(e) Temporary dwelling unit in cases of special hardship. In any residential district, a temporary use permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health or welfare of the community. An applicant for a temporary use permit as provided under this subsection must produce a written statement from the Gordonsville Superintendent of Utilities and the Smith County Health Department when applicable approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for six (6) months. A permit may be renewed for up to six (6) months at a time, the total time for permits not exceeding a total of eighteen (18) months. (Ord. #03-12-00, Dec. 1987)

14-206. Administration and enforcement. (1) Building inspector.

(a) Administrative and enforcing officer. The provisions of this ordinance shall be administered by the town building inspector. The building inspector shall administer and enforce this ordinance and in addition shall:

- (i) Issue all building permits and make and maintain records thereof;
- (ii) Issue all certificates of occupancy and make and maintain records thereof;

(iii) Issue and renew, where applicable, all temporary use permits and make and maintain records thereof;

(iv) Maintain and keep current zoning maps, and records of amendments thereto;

(v) Conduct inspections as prescribed by this ordinance, and such other inspections as are necessary to ensure compliance with the various provisions of this ordinance generally;

(vi) Receive, file, and forward to the planning commission all applications for conditional uses, and for amendments to this ordinance;

(vii) Receive, file, and forward to the board of zoning appeals all applications for variances or other matters, on which the board is required to pass under the provisions of this ordinance.

(b) Powers of the building inspector. The building inspector shall have the power to grant building permits and use and occupancy permits, and make inspections of buildings or premises necessary, to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the building inspector to approve any plan or issue any permits as certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this ordinance.

Under no circumstances is the building inspector permitted to make changes in this ordinance nor to vary its terms or provisions in carrying out his duties.

(c) Right of entry upon land. The building inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the town for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this ordinance.

(2) Application of zoning ordinance. Except as otherwise provided, no structure or land shall after the effective date of the zoning ordinance be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of the zoning ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

(3) Building permits and certificate of occupancy. (a) Building permits required. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving of or addition to any structure,

including accessory structures or to commence the filling of land until the building inspector has issued for such work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the zoning ordinance.

Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose.

(b) Development plan required. It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with the zoning ordinance.

The building inspector shall require that every application for a building permit for excavation, construction, moving, or addition, shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving or addition is in conformance with the zoning ordinance:

(i) The actual shape, location, and dimensions of the lot to be built upon.

(ii) The shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.

(iii) The existing and intended use of all such buildings or other structures.

(iv) The location and design of off-street parking areas and off-street loading areas.

(v) Any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the zoning ordinance are being observed.

If the proposed excavation, construction, moving or addition as set forth in the application is in conformity with the provisions of the zoning ordinance, the building inspector shall issue a building permit for such excavation or construction.

If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval.

Issuance of a permit shall, in no case, be construed as waiving any provision of the zoning ordinance.

Building permits shall be void six (6) months from date of issue unless substantial progress on the project has been made by that time.

(c) Certificate of occupancy required. No land or building or other structure or part thereof hereafter erected, moved, or added to in its use shall be used until the building inspector shall have issued a

certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the zoning ordinance.

Within seven (7) 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 is found to conform with the provisions of the zoning ordinance, or if such certificate is refused, to state the refusal in writing with the cause for such refusal.

(4) Board of zoning appeals; establishment and procedure.

(a) Establishment of the board of zoning appeals. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205 through 13-7-207.

As permitted by Tennessee Code Annotated, § 13-7-205, the Gordonsville Municipal Planning Commission is hereby designated as the Gordonsville Board of Zoning Appeals.

(b) Conflict of interest. Any member of the board who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the board shall be disqualified from participating in the discussion, decision, and proceedings of the board in connection therewith. The burden for revealing such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

(c) Proceedings of the board of zoning appeals. The board of zoning appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each request, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the board.

(d) Hearings and appeals. 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 whole or in part upon the provision 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 appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give due notice

to the parties of 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.

(e) Liability of members of the board of zoning appeals and the building inspector. Any member of the board of zoning appeals, the building inspector, or other employee charged with the enforcement of this ordinance acting for the Town of Gordonsville in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the Town of Gordonsville of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, the building inspector, or employees charged with the enforcement of any provision of this ordinance shall be defended by a legal representative furnished by the Town of Gordonsville until the final termination of such proceedings.

(5) Board of zoning appeals; powers and duties. (a) Administrative review. The board of zoning appeals shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provision of this ordinance, or in his interpretation of the zoning map.

(b) Special exceptions (uses permitted upon appeal). The board of zoning appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "uses permitted on appeals" sections of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

(i) Application fee. 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, existing land uses of all adjacent properties, any and other material pertinent to the request which the board of zoning appeals may require.

A nonrefundable fee of thirty dollars (\$30.00) shall be paid to the Town of Gordonsville with each application for a request for a special exception from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

(ii) General provisions governing uses permitted on appeal. Before any special exception shall be issued, the board of zoning appeals shall certify compliance with the specific rules

governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

(A) It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;

(B) It will not adversely affect other property in the area in which it is located;

(C) It is within the provision of "uses permitted on appeal" as set forth in this ordinance; and

(D) It conforms to all applicable provisions of this ordinance for the district in which it is to be located.

(iii) Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board of zoning appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

(iv) Time limit. All applications reviewed by the board of zoning appeals shall be decided within forty-five (45) days of the date of the application, and the application shall be provided with a written notice of either approval or denial.

(c) Variances. The board of zoning appeals has the authority to hear and decide applications for variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. In exercising its powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this ordinance, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this ordinance, and to that end shall have the powers of the administrative official from whom the appeal is taken.

(i) Application and fee. An application shall be filed with the board of zoning appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

A nonrefundable fee of thirty dollars (\$30.00) shall be paid to the Town of Gordonsville with each application for a request for a variance by the board of zoning appeals to defray costs of notices, the hearing and any miscellaneous expenses.

(ii) Standards for variances. In granting a variance the board shall ascertain that the following criteria are met:

(A) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out;

(B) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(C) The variance will not authorize in a zone district activities other than those permitted by this ordinance;

(D) Financial returns only shall not be considered as a basis for granting a variance;

(E) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

(F) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;

(G) The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(H) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and

(I) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(iii) Non-conformity does not constitute grounds for granting a variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(iv) Prohibition of use variances. Under no circumstances shall the board of zoning appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(v) Conditions and restrictions by the board. The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in this ordinance to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance.

(vi) Time limit. All applications reviewed by the board of zoning appeals shall be decided within forty-five (45) days of the date of the application, and the application shall be provided with a written notice of either approval or denial.

(vii) Variance appeals. Any person or agency aggrieved by a decision of the board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

(6) Amendments to zoning ordinance. (a) Procedure. The regulations, the number, or boundaries of districts established by the zoning ordinance may be amended, supplemented, changed, modified, or repealed by the board of mayor and aldermen after holding a public hearing, fifteen (15) days notice of which has been given in the local newspaper; but in accordance with Tennessee Code Annotated, § 13-7-204, no amendment shall become effective unless it is first submitted to and approved by the Gordonsville Municipal Planning Commission, or if disapproved, shall receive a majority vote of the entire board of mayor and aldermen.

(b) Application and fee. Any person desiring to bring a request for an amendment to the zoning ordinance shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the planning commission or board of mayor and aldermen may require.

A nonrefundable fee of thirty dollars (\$30.00) shall be paid to the Town of Gordonsville with each application requesting an amendment to the zoning ordinance to defray costs of notices, public hearings, and any miscellaneous expenses.

(7) Penalties. Any person violating any provisions of this zoning ordinance shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law.

(8) Remedies. In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the zoning ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may

institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erection, construction, addition, conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land. (Ord. #03-12-00, Dec. 1987)

CHAPTER 3

FLOOD DAMAGE PREVENTION REGULATIONS

SECTION

- 14-301. Statutory authorization, findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.

14-301. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201 (Mayor-Aldermanic Charter) delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Gordonsville, Tennessee Mayor and Board of Aldermen, does ordain as follows.

(2) Findings of fact. (a) The Gordonsville Mayor and Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-1-88 edition) and subsequent amendments.

(b) Areas of Gordonsville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
 - (d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.
- (4) **Objectives.** The objectives of this chapter are:
- (a) To protect human life and health;
 - (b) To minimize expenditure of public funds for costly flood control projects;
 - (c) To minimize the need for rescue and relief efforts associated with flooding;
 - (d) To minimize prolonged business interruptions;
 - (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
 - (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
 - (g) To ensure that potential buyers are notified that property is in a floodable area; and
 - (h) To establish eligibility for participation in the National Flood Insurance Program. (Ord. #99-06-28, June 1999)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- (a) Accessory structures shall not be used for human habitation.
- (b) Accessory structures shall be designed to have low flood damage potential.
- (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 USC 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by

a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(4) "Appeal" means a request for a review of the building official's interpretation of any provision of this chapter or a request for a variance.

(5) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

(7) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

(8) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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

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

(11) "Building," for purposes of this section means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure.")

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

(13) "Elevated building" means a non-basement building:

(a) Built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers); and

(b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(14) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

(17) "Existing construction" any structure for which the "start of construction" commenced before the effective date of the ordinance comprising this chapter.

(18) "Existing manufacture home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the ordinance creating this chapter.

(19) "Existing structures" see "existing construction."

(20) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(21) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow or inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(22) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(23) "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the

boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

(25) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(26) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the flood boundary map and the water surface elevation of the base flood.

(27) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(28) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(29) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(30) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(31) "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(33) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

(34) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

(35) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The terms does not include the floor of a garage used solely for parking vehicles.

(36) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

(37) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(38) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(39) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(40) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering

practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(41) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(42) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(43) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

(44) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

(45) "Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the agency.

(46) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(47) "National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

(48) "New construction" any structure for which the "start of construction" commenced on or after the effective date of the ordinance comprising this chapter. The term also includes any subsequent improvements to such structure.

(49) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance comprising this chapter.

(50) "100-year flood" see "base flood."

(51) "Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

(52) "Recreational vehicle" means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projections;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(53) "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(54) "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

(55) "Special hazard area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

(56) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(57) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

(58) "Structure," for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged

condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "Substantially improved existing manufactured home parks or subdivisions" is where the repair reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(63) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. #99-06-28, June 1999)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Gordonsville, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Gordonsville, Tennessee Federal Emergency Management Agency, Flood Insurance Rate Maps, 470395 Community Panel Numbers 0001, 0002; Effective Date: July 7, 1999 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this chapter.

(3) Requirement for development permit. A development permit shall be required in conformity with this chapter prior to the commencement of any development activity.

(4) Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(5) Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this chapter conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

(6) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does no imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Gordonsville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Gordonsville, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #99-06-28, June 1999)

14-304. Administration. (1) Designation of zoning official. The zoning official is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. Application for a development permit shall be made to the zoning official on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed

structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings (see (b) below).

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed, where base flood elevation data is available (see (b) below).

(iii) Certificate from a registered professional engineer or architect that the non-residential floodproofed building will meet the floodproofing criteria in § 14-404(2)(b), where base flood elevation data is available (see (b) below).

(iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(b) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the zoning official shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the zoning official shall require that upon placement of the lowest floor, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the zoning official a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The zoning official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the zoning district. Duties of the zoning official shall include, but not be limited to:

(a) Review of all development permits to assure that the requirements of this chapter have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendment of 1972, 33 USC 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) Record the actual elevation (in relation to mean sea level or highest grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-304(2)(b).

(e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been floodproofed, in accordance with § 14-304(2)(b).

(f) When floodproofing is utilized, the zoning official shall obtain certification from a registered professional engineer or architect, in accordance with § 14-304(2)(b).

(g) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the zoning official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-306.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the zoning official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FHBM or FIRM meet the requirements of this chapter.

(optional additional requirement)

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the zoning official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least two feet (2') above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-302

of this chapter). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in § 14-304(2).

(i) All records pertaining to the provisions of this chapter shall be maintained in the office of the zoning official and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files.

(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (Ord. #99-06-28, June 1999)

14-305. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter; and

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this chapter, shall be undertaken only if said non-conformity is not extended.

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein: In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in § 14-303(2), the following provisions are required:

(a) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of § 14-305(2)(c).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one foot (1') above the level of the base flood elevation. Buildings located in all A-zones may be floodproofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the zoning official as set forth in § 14-304(2)(b).

(c) Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

(i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above grade; and

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(ii) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-305(2) of this chapter.

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home parks or subdivision must be elevated so that:

(A) The lowest floor of the manufactured home is elevated no lower than one foot (1') above the level of the base flood elevation on a permanent foundation;

(B) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and

(C) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing or new manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 14-305(2)(d)(ii)(A) and (B) above.

(iii) All recreational vehicles placed on sites must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) Be fully licensed and ready for highway use; or

(C) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of § 14-305(2)(d)(i) or (ii)(A) and (B) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 14-304(3)(h) shall be utilized for all requirements relative to the base flood elevation or floodways.

(3) Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-305(2).

(4) Standards for areas of shallow flooding (AO and AH zones). Located within the areas of special flood hazard established in § 14-303(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified the lowest floor, including basement, shall be elevated, at least two feet (2') above the highest adjacent grade.

(b) All new construction and substantial improvements of nonresidential buildings shall:

(i) Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two feet (2') above the highest adjacent grade; or

(ii) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(5) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 zones), all provisions of §§ 14-304 and 14-305(1) through (8) shall apply.

(6) Standards for areas of special flood hazard with established base flood elevation and with floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data and floodways provided, the following provisions apply:

(a) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) If § 14-305(6)(a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-305(2).

(7) Standards for unmapped streams (optional). Located within Gordonsville are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

(a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the locality.

(b) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-304(2)(b).

(8) Standards for subdivision proposals. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty (50) lots and/or five (5) acres. (Ord. #99-06-28, June 1999)

14-306. Variance procedures. The provisions of this section shall apply exclusively to areas of special flood hazard.

(1) Board of zoning appeals. (a) The Gordonsville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Variance may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

(c) In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(i) The danger that materials may be swept onto other property to the injury of others;

(ii) The danger to life and property due to flooding or erosion;

(iii) The susceptibility of the proposed facility and its contents to flood damage;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

(vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and

(x) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

(d) Upon consideration of the factors listed above, and the purposes of this chapter, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.

(e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #99-06-28, June 1999)

CHAPTER 4

TOWERS AND ANTENNAS

SECTION

- 14-401. Definitions.
- 14-402. Applicability.
- 14-403. Requirements.
- 14-404. Regulations.
- 14-405. Application process.
- 14-406. Requirements for application.

14-401. Definitions. For the purposes of this chapter:

(1) "Alternative tower structure" shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

(2) "Antenna" shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

(4) "FAA" shall mean the Federal Aviation Administration.

(5) "FCC" shall mean the Federal Communications Commission.

(6) "Height" shall mean, 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.

(7) "May" shall mean with permission.

(8) "Shall" shall mean mandatory.

(9) "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, guyed towers or monopole towers; including, but not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and any support thereto. (Ord. #98-10-12, Oct. 1998)

14-402. Applicability. (1) All new towers or antennas within the town limits of Gordonsville shall be subject to the regulations of this chapter.

(2) Exceptions. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of § 14-404(10) and (11). (Ord. #98-10-12, Oct. 1998)

14-403. Requirements. (1) Each applicant for an antenna and/or tower shall provide to the planning commission, prior to board of mayor and aldermen consideration, the following:

(a) An inventory of its existing towers, antennas or sites that are within the jurisdiction of the Town of Gordonsville;

(b) Specific information about the proposed location, height and design of each tower and/or antenna; and

(c) Proposed sites requested for approval.

(2) Towers and antennas shall meet the following:

(a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness;

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

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

(d) (i) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority;

(ii) If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(e) All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas;

(i) If such standards and/or regulations are changed, the owners of the towers and/or antennas governed by this chapter shall bring such towers and/or antennas into compliance with revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency.

(ii) Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(f) The owner shall ensure that the structural integrity of the towers and/or antennas is maintained in compliance with standards contained in applicable state and local building codes and the applicable

standards for towers that are most recently published and amended by the Electronics Industries Association;

(i) If, upon inspection, the Town of Gordonsville concludes that a tower and/or antenna fails to comply with such codes and standards and constitutes a danger to persons and/or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

(ii) Failure to bring such tower and/or antenna into compliance within thirty (30) days of notice shall constitute grounds for removal of the tower and/or antenna at the owner's expense.

(3) Tower setbacks and separation distances shall be calculated and applied to facilities located in the Town of Gordonsville irrespective of county jurisdictional boundaries.

(4) Owners and/or operators of towers and/or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Town of Gordonsville have been obtained with copy of each provided to the town recorder. (Ord. #98-10-12, Oct. 1998)

14-404. Regulations. (1) It shall be unlawful for any person to install, erect, or use a tower and/or antenna without first making application to, and obtaining approval from, the board of mayor and aldermen after compliance with § 14-403(1).

(2) No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

(3) No signs shall be permitted on an antenna and/or tower.

(4) Buildings and support equipment associated with antennas and/or towers shall comply with all applicable requirements and codes.

(5) Any civil, mechanical and/or electrical engineering information that the applicant submits shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee.

(6) Sites for locating a tower and/or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower and/or antenna shall be as follows:

(a) Located in commercial or industrial zoning areas;

(b) Meet setback requirements as listed in Table 2:

(i) The dimensions of the entire lot shall control the determination of the tower or antenna complying with town development regulations, including but not limited to, setback requirements and lot coverage requirements.

(ii) Towers must be set back a distance equal to a least one hundred percent (100%) of the height of the tower plus thirty feet (30') from any adjoining lot line.

(iii) Guys and accessory buildings must satisfy the minimum zoning setback requirements.

Table 2

| <u>Off-Site Use/Designated Area</u> | <u>Separation Distance</u> |
|--|--|
| 1. Residential: Single family or duplex, including modular homes and mobile homes used for living purposes | 200 feet or 300% height of tower; whichever is greater |
| 2. Residentially zoned land which is either platted or has preliminary subdivision plan approval | 200 feet or 300% height of tower, whichever is greater |
| 3. Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex | 200 feet or 200% height of tower, whichever is greater |
| 4. Existing multi-family residential units greater than duplex units | 200 feet or 100% height of tower, whichever is greater |
| 5. Non-residentially zoned lands or non-residential uses | None, only setbacks apply |

(c) Meet separation requirements as listed in Table 1:

(i) Tower separation shall be measured from the base of the tower to the lot line of the off-site users and/or designated areas.

(ii) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

Table 1

Existing Towers--Types

| | <u>Lattice</u> | <u>Guyed</u> | <u>Monopole 75 ft. in Height or Greater</u> | <u>Monopole Less than 75 ft. in Height</u> |
|---|----------------|--------------|---|--|
| Lattice | 5,000 ft. | 5,000 ft. | 1,500 ft. | 750 ft. |
| Guyed | 5,000 ft. | 5,000 ft. | 1,500 ft. | 750 ft. |
| Monopole 75 ft in Height or Greater | 1,500 ft. | 1,500 ft. | 1,500 ft. | 750 ft. |
| Monopole Less than 75 ft. in Height | 750 ft. | 750 ft. | 750 ft. | 750 ft. |

Residential: Single family or duplex, including modular homes and mobile homes used for living purposes 200 feet or 300% height of tower; whichever is greater

Residentially zoned land which is either platted or has preliminary subdivision plan approval 200 feet or 300% height of tower, whichever is greater

Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex 200 feet or 200% height of tower, whichever is greater

Existing multi-family residential units greater than duplex units 200 feet or 100% height of tower, whichever is greater

Non-residentially zoned lands or non-residential uses None, only setbacks apply

(d) Towers shall be enclosed by security fencing not less than six feet (6') in height, shall be equipped with an appropriate anti-climbing device and locked, appropriately marked, security gates.

(e) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.

(i) Standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

(ii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

(iii) Sites on large, wooded lots, with natural growth around the property perimeter may be considered sufficient buffer.

(f) Antennas mounted on utility poles or light poles shall have the equipment cabinet or structure used in association with antennas located in accordance with the following:

(i) Residential area. In a rear yard, provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet in gross floor area and the cabinet/structure is located no more than twenty feet (20') from all lot lines and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(ii) Residential area. In a front or side yard provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet of gross floor area and the cabinet/structure is located a minimum of forty feet (40') from all lot lines and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(iii) Commercial/industrial area. The equipment cabinet or structure shall be no greater than twenty feet (20') in height or two hundred (200) square feet in gross floor area and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(iv) Commercial/industrial area. In all instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or an evergreen hedge with ultimate height of twelve feet (12') and a planted height of at least forty-eight inches (48").

(g) Antennas located on towers and related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height and shall be located no closer than forty feet (40') from all lot lines.

(h) The tower meets the following height and usage criteria:

(i) Single user. Up to ninety feet (90') in height.

(ii) Two users. Up to one hundred twenty feet (120') in height.

(iii) Three (3) or more users. Up to one hundred fifty feet (150') in height.

(i) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users proposed by the applicant.

(7) Locating antennas on existing structures or towers shall be governed by the following:

(a) Any antenna not attached to a tower may be approved as an accessory use to any commercial, industrial, professional, institutional or multi-family structure of eight (8) or more dwelling units, provided:

(i) The antenna does not extend more than thirty feet (30') above the highest point of the structure.

(ii) The antenna complies with all applicable FAA and FCC regulations.

(iii) The antenna complies with all applicable building codes.

(b) Antennas mounted on structures or rooftops shall have the equipment cabinet or structure used in association with antennas complying with the following:

(i) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height.

(ii) Buildings and/or structures which are less than sixty-five feet (65') in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area and/or twelve feet (12') in height shall be located on the ground and shall not be located on the roof of the structure.

(iii) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.

(iv) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(8) An antenna which is attached to an existing tower may be approved to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the council allows reconstruction as a monopole.

(b) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of an additional antenna;

(i) The height change shall only occur one (1) time per communication tower.

(ii) The additional height may not exceed distance separation.

(c) A tower which is being built to accommodate the collocation of an additional antenna may be moved onsite within fifty feet (50') of its existing location.

(i) After the tower is rebuilt to accommodate collocation, only one (1) tower shall remain on the site.

(ii) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers.

(iii) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users proposed by the applicant.

(iv) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted after a public hearing and approval by the board of mayor and aldermen.

(9) Special use permits may be approved by the board of mayor and aldermen, with the recommendation of the zoning board, with the following provisions governing:

(a) Required for the construction of a tower or the placement of an antenna in agricultural zoning;

(b) Minimal adverse effects of the proposed tower on adjoining properties;

(c) Any civil, mechanical and/or electrical engineering information that the applicant submits shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee.

(d) Installing a cable microcell network through the use of multiple low-powered transmitter/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(10) Any antenna and/or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

(a) The owner of such antenna and/or tower shall remove the same within ninety (90) days of receipt of notice from the Town of Gordonsville.

(b) Failure to remove an abandoned antenna and/or tower within said ninety (90) days shall be grounds to remove the tower and/or antenna at the owner's expense.

(c) If there are two (2) or more users of a single tower, then this provision shall not become effective until all approved users abandon the tower.

(11) Rebuilding damaged or destroyed towers or antennas shall be of the same type, height, location and intensity as the original facility approval.

(a) Building permits to rebuild the facility shall comply with the applicable building codes at that time and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed.

(b) If no building permit is obtained, the tower and/or antenna shall be deemed abandoned.

(c) After obtaining building permit, construction shall begin within ninety (90) days or the tower and/or antenna shall be deemed abandoned. (Ord. #98-10-12, Oct. 1998)

14-405. Application process. (1) Prior to presentation to the board of mayor and aldermen, all plans shall be submitted to the planning commission and/or zoning board for review.

(2) Proposed location and use must comply with all setback and separation requirements as outlined in § 14-404.

(3) The planning commission and/or zoning board will submit to the board of mayor and aldermen with comments if any, the proposal within sixty (60) days.

(4) The board of mayor and aldermen will approve/disapprove the application within sixty (60) days of submission from the planning commission. (Ord. #98-10-12, Oct. 1998)

14-406. Requirements for application. (1) Application shall be made to the town recorder, or such person as designated by the board of mayor and aldermen to receive such applications.

(2) Each application shall be accompanied by a nonrefundable cashier's check in the amount of one thousand dollars (\$1,000.00) made payable to the Town of Gordonsville.

(3) Each applicant shall deposit with the town recorder a surety bond, not less than one million dollars (\$1,000,000.00), to cover the costs to the municipality if the applicant fails to meet applicable requirements as set forth in this chapter. The bond will remain in effect to ensure adequate funds available for continued maintenance.

(4) Application for a tower shall be submitted with the following:

(a) A scaled site plan clearly indicating:

(i) Location;

(ii) Design, type and height of the proposed tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

- (iii) On-site land uses and zoning;
- (iv) Adjacent land uses and zoning;
- (v) Adjacent roadways;
- (vi) All properties within the applicable separation distances;
- (vii) Proposed areas of access (ingress and egress);
- (viii) Setbacks from property lines;
- (ix) Elevation drawings of the proposed tower and any other structures;
- (x) Surrounding topography, tree coverage and foliage;
- (xi) Roadway and parking.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(d) The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map.

(e) Identify the type of construction of the tower and the owner and/or operator.

(f) A landscape plan showing specific landscape materials.

(g) Method of fencing, finished color, method of camouflage and illumination (if applicable).

(h) A description of compliance with all applicable federal, state and local laws.

(i) A notarized statement by the applicant as to whether construction of the tower will accommodate collection of additional antennas for future users.

(j) (i) A description of the suitability of the use of other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

(ii) Costs of alternative technology that exceed new tower and/or antenna development shall not be presumed to render the technology unsuitable.

(k) A description of the feasible location(s) of towers within the Town of Gordonsville based upon existing physical, engineering, technological or geographical limitations.

(5) Each applicant must certify they have read, and are familiar with, the provisions of this chapter.

(6) Every application that meets the requirements of this chapter shall be considered by the board of mayor and aldermen.

(7) In the event an applicant's circumstances change which affect the provisions set forth in this chapter, the applicant shall notify the town recorder in writing within fifteen (15) days from the change in circumstances.

(8) Any applicant denied approval three (3) times shall not be allowed to reapply until the expiration of one (1) year from the date of the third refusal. (Ord. #98-10-12, Oct. 1998)

CHAPTER 5

SUBDIVISION REGULATIONS

SECTION

- 14-501. General provisions.
- 14-502. Procedure for plat approval.
- 14-503. Design and specifications.
- 14-504. Enforcement and penalties for violations.

14-501. General provisions. (1) Purpose. Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the planning commission are designed to provide for the harmonious development of the municipal area; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water drainage, septic tank and other sanitary facilities.

(2) Authority. These subdivision regulations are adopted under the authority granted by Tennessee Code Annotated, §§ 13-4-301 through 13-4-309. The planning commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations, having filed a certified copy of the major street plan in the office of the Smith County Register of Deeds on March 22, 1988, in Plat Book 3, page 15.

(3) Jurisdiction. These regulations shall govern all subdivisions of land within the corporate limits of Gordonsville, Tennessee, as now or hereafter established. According to Tennessee Code Annotated, § 13-4-301, the term "subdivision" means the "division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided." Any owner of land within this area wishing to subdivide land shall submit to the planning commission, a plat of the subdivision according to the procedures outlined in § 14-502, which plat shall conform to the minimum requirements set forth in § 14-503. Improvements shall be installed as required by § 14-504 of these regulations.

(4) Definitions. Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purpose of these regulations, certain words or terms are defined as follows:

The term "shall" or "will" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

(a) "Lot width." The distance between side lot lines measured at the building setback line.

(b) "Major road plan." The map on which the planned locations of present and future town and county arterial and collector roads are indicated.

(c) "Planning commission." The Gordonsville Municipal Planning Commission, its commissioners, officers, and staff.

(d) "Plat." The map, drawing, or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record; it includes plat, plan, plot and replot.

(e) "Street." A public or private way, provided for the accommodation of vehicular traffic, or as a means of access to property, and includes streets, avenues, boulevards, roads, lanes, alleys, or other ways.

(i) "Arterial." Streets and highways used primarily for movement of fast or heavy traffic within and through the town; a secondary function is land access. These are usually shown on the major street plan.

(ii) "Collector." Streets which carry traffic from minor streets to the arterial streets and highways. This usually includes the principal entrance street(s) or streets of major circulation of a residential development. Collectors serve the internal traffic movement within a section of the town and connect this section with the arterial system.

(iii) "Cul-de-sac." Permanent dead-end streets or courts with a paved turnaround designed so that they cannot be extended in the future.

(iv) "Local." A street designated to accommodate local traffic, the major portion of which originates along the street itself. The major function of a local street is land access. May also be called minor residential or minor commercial streets.

(v) "Marginal access." Minor streets which are parallel and adjacent to arterial streets and highways, and which provide access to the abutting properties and protection from the through traffic.

(f) "Subdivisions." The division of a tract or parcel of land into two (2) or more lots, sites, parcels, tracts, plots, or other such divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision, and, when appropriate to the context, relates to the land or area subdivided. This definition also includes any division of land which involves new road or new utility construction.

(5) Variances. (a) General. Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the planning commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(i) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;

(ii) The conditions upon which the request for a variance are based are unique to the property for which the variance is sought and are not applicable generally to other property;

(iii) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

(iv) The variances will not in any manner vary the provisions of the zoning ordinance.

(b) Conditions. In approving variances, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(6) Amendments. Before adoption of any amendments to this document, a public hearing shall be held by the planning commission. Fifteen (15) days notice of the time and place of the hearing shall be given as provided in Tennessee Code Annotated, § 13-4-303. (Ord. #88-05-00, May 1988)

14-502. Procedure for plat approval. The procedure for review and approval of a subdivision plat consists of three (3) separate steps. The initial step is the early, informal consultation with the planning commission technical staff for advice and assistance. The second step is the preparation and submission to the planning commission of a preliminary plat of the proposed

subdivision. The third step is the preparation and submission to the planning commission of a final plat, together with required certificates. This final plat becomes the instrument to be recorded in the office of the county register when duly signed by the secretary of the planning commission.

(1) General. (a) Any owner of land lying within the area of jurisdiction of the planning commission who wishes to divide such land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, or who wishes to resubdivide for this purpose, shall submit a plan of such proposed subdivision to the planning commission for approval and shall obtain such approval prior to the filing of his subdivision plat for record. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in § 14-503 of these standards and shall be presented in the manner specified in the following subsections of this section. No plat of a subdivision of land within the area of planning jurisdiction shall be filed or recorded by the county register without the approval of the planning commission as specified herein.

(b) In order to secure review and approval by the planning commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installations of utilities, submit to the planning commission a preliminary plat as provided in subsection (2) of this section. On approval of said preliminary plat he may proceed with the construction of improvements as set forth in § 14-503, and preparation of the final plat and other documents required in connection therewith as specified in subsection (3) of this section. In no case shall a preliminary plat be presented in sections.

(c) A subdivider may omit the submission of a preliminary plat and submit only a final plat, if all of the following conditions are met:

(i) The proposed subdivision does not contain more than five (5) lots, sites, tracts, or divisions.

(ii) All public improvements as set forth in § 14-503 are already installed. (Any construction, installation, or improvement of public improvements shall require the submission of a preliminary plat as prescribed by § 14-502(2)). The health department has approved the lots for septic systems, if applicable.

(iii) The subdivider has consulted informally with the planning commission technical staff for advice and assistance, and it is agreed upon by the planning commission that a preliminary plat is unnecessary prior to submission of the final plat and its formal application for approval.

(d) The owner or his authorized representative must be present at preliminary plat review and approval and final plat review and

approval. In his absence, the property owner may be represented by his agent or representative who shall present written authorization in the form of the affidavit shown in Appendix H.¹

(e) No final subdivision plat shall be approved by the planning commission or accepted for record by the Smith County Register of Deeds until the required improvements listed shall be constructed in a satisfactory manner and approved by the local approving agent, or in lieu of such prior construction, the planning commission may accept certain forms of financial guarantees (see § 14-502(3)(a)) in amounts equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the Town of Gordonsville in the event of default by the subdivider.

(2) Preliminary plat requirements. (a) The preliminary plat should be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') and shall meet the minimum standards of design as set forth in § 14-503 and the Standards of Practice for Land Surveyors, chapter 0820-3 and its subsequent amendments. In case of conflict between the statutes, the stricter shall apply.

(b) The preliminary plat shall meet the general requirements for the construction of public improvements as set forth in § 14-503 and shall give the following information insofar as possible. (See sample preliminary plat, page 14-116.)

(i) The proposed subdivision's name and location, the name(s) and address(es) of the owner or owners, present tax map and parcel designation according to official records in the office of the tax assessor, and the name of the designer of the plat who shall be a professional surveyor licensed by the State of Tennessee.

(ii) The acreage of the land to be subdivided.

(iii) Date, approximate north point, and graphic scale.

(iv) The location of all existing and proposed property lines, streets, water courses, railroads, water lines, drain pipes, bridges, culverts, and easements for existing utilities (water, gas, electricity) or other features. Existing features shall be distinguished from those which are proposed. Other additional information to be provided are the present zoning classification (if any) both of the land to be subdivided and of adjoining lands, the names of adjoining property owners or subdivisions, the name of the applicable water district, and the size of existing water lines.

(v) Plans of proposed water systems showing connections to the existing or any proposed utility systems, including line sizes and locations of hydrants. Any land on which an individual

¹Appendices are available in the town recorder's office.

sewage disposal system is proposed must be reviewed by the appropriate state health department official.

(vi) The proposed street names, and the location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines, building setback lines, and utilities.

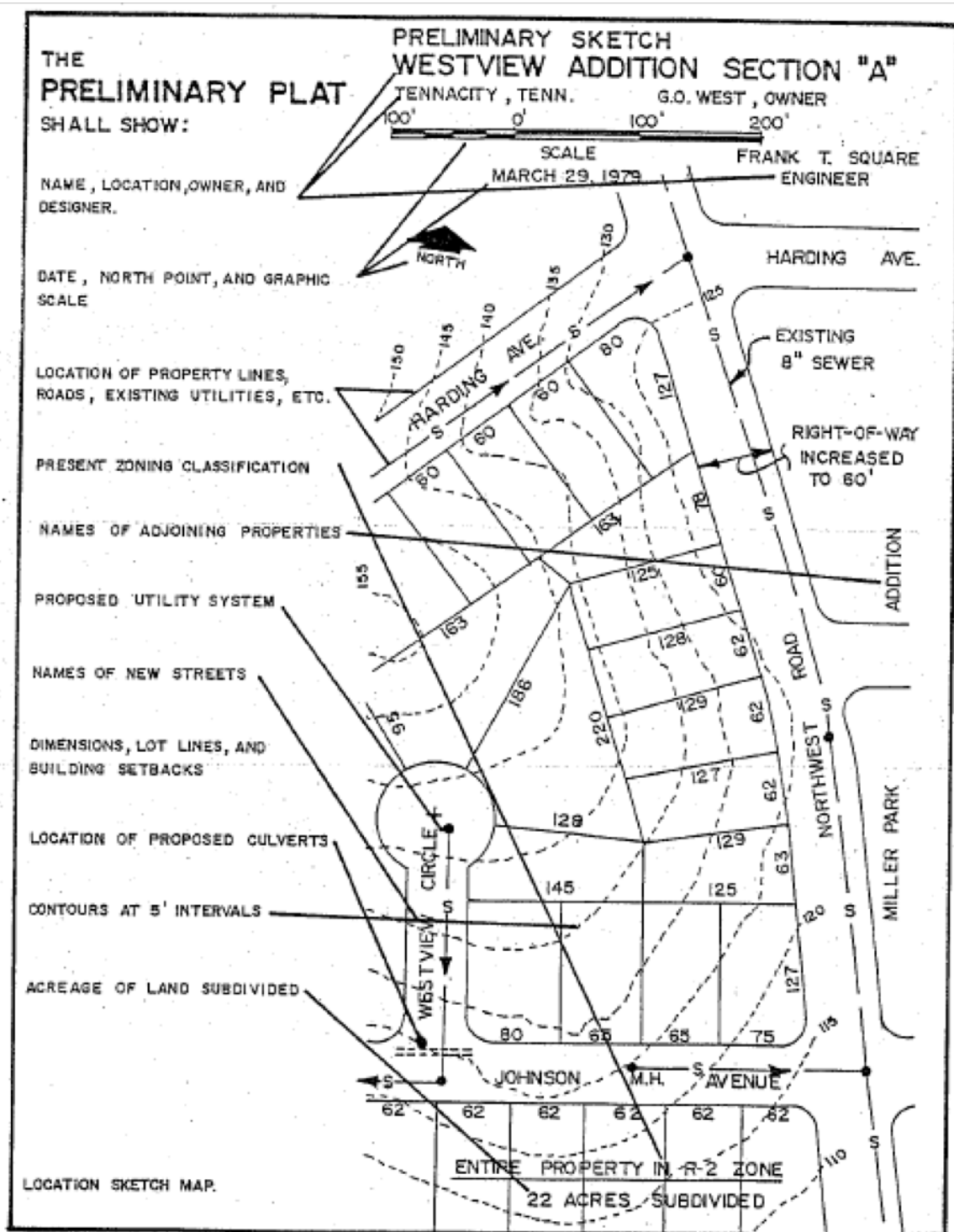
(vii) Topographical contours at vertical intervals of not more than five feet (5').

(viii) Subsurface conditions on the tract, if required by the planning commission; location and results of tests made to ascertain subsurface soil, rock, and ground water conditions; depth of ground water unless test pits are dry at a depth of five feet (5'); and location and results of soil percolation tests for individual sewage disposal systems.

(ix) If any portion of the land proposed for subdivision lies within a floodable area, as determined by an official flood boundary and floodway map or flood insurance rate map, that portion shall be so indicated.

(x) Location sketch map showing relationship of subdivision site to area.

(c) At least seven (7) days prior to the meeting at which it is to be considered, the subdivider shall submit to the planning commission's administrative aide eight (8) copies of any required preliminary plat of a proposed subdivision. If necessary the developer should provide copies to the health department. At the time of submission the administrative aide shall issue a receipt acknowledging said submission. Neither the submission of the preliminary plat nor the receipt issued by the administrative aide shall constitute submission of the preliminary plat for consideration by the planning commission. The administrative aide will give copies of the plat to the staff planner for review and distribute copies to all applicable utilities and departments (water, street, electric, or gas, as necessary).



(d) The preliminary plat shall be presented by the developer or his designated representative to the planning commission at its next meeting for a review period not to exceed thirty (30) days. The developer should be physically present at the meeting(s) to answer questions and hear suggestions about his proposed development or be represented by an authorized agent as discussed in § 14-502(1)(d).

(e) Within thirty (30) days after submission of the preliminary plat to the planning commission for consideration, the planning commission shall approve or disapprove said plat. Failure of the planning commission to act on the preliminary plat within the thirty (30) day period will be deemed approval of this plat. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to modifications, the nature of the required modifications shall be included.

(f) If a plat has been disapproved, a new plat may be presented as though no previous plat had been submitted. If a plat has been approved, or approved subject to modifications, and the subdivider desires to make substantial modifications other than those already required by the planning commission, a new preliminary plat must be submitted, which is subject to the same regulations and procedures as though no previous plat had been submitted, except that a certification to the effect that the previous plat has been withdrawn must be submitted. If the state health department rejects any lot(s) or recommends any alteration of lot size or shape, the plat must be resubmitted for preliminary plat review.

(g) Two (2) copies of the preliminary plat will be retained in the planning commission files, copies shall be retained by the applicable utility departments, and one (1) copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.

(h) The approval of the preliminary plat by the planning commission shall not constitute acceptance of any final plat.

(i) The approval of the preliminary plat shall terminate unless a final plat based thereon is submitted within one (1) year from the date of such approval; provided, however, that an extension of time can be applied for by the developer and granted by the planning commission. If no work has begun to install improvements and if an approved final plat has not been financially guaranteed, and the Gordonsville Municipal Subdivision Regulations have changed, the subdivision must meet the new regulations.

(3) Final plat requirements. (a) The final plat shall conform substantially to the approved preliminary plat. Any alterations or deviation from the preliminary plat should be discussed with the staff planner to determine if the changes require new preliminary plat review.

The final plat shall meet minimum standards of design as set forth in § 14-503 and the Standards of Practice for Land Surveyors, chapter 820-3 and its subsequent amendments. (See sample final plat, page 14-120.)

(b) The plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') on sheets not larger than twenty-four by thirty inches (24" x 30") in size. When more than one (1) sheet is required, an index sheet of the same size drawn at an easily read scale shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key.

(c) If the subdivision is to be developed in phases and the final plats submitted as portions or sections of the preliminary plat, the sections must be identified by alphabetical characters, following the name of the subdivision as initially submitted or as approved on preliminary.

(d) A final plat will not be acceptable for submission unless it meets all required standards of design, and contains all required information, or contains a written request for a variance for each specific deviation from requirements.

(e) If the final plat is submitted without preliminary plat review (because the subdivision meets the special requirements of § 14-502(1)(c) on page 14-113), subsection (a) above does not apply.

(f) Final plats should be submitted at least seven (7) days prior to the planning commission meeting. If the developer has obtained the signatures of utility and road officials because improvements have been completed or were not required, he should provide those utilities with a copy of the plat, and submit four (4) copies to the planning commission. If the developer is proposing to use a financial guarantee-in-lieu of completion of improvements, he should submit eight (8) copies to the planning commission which will distribute copies to the applicable utilities and road official. All street profiles and other plans that may have been required should be submitted. Neither the submission of the final plat to the administrative aide to the planning commission nor a receipt issued by the administrative aide shall constitute submission of the final plat for consideration by the planning commission.

(g) The final plat shall be officially presented to the planning commission at its next meeting by the developer or his designated representative for consideration for approval or disapproval (see § 14-502(1)(d)).

(h) The planning commission shall approve or disapprove the final plat within thirty (30) days after its submission for consideration. Failure of the planning commission to act on the final plat within this thirty (30) day period shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the planning commission.

(i) When the plat has been approved by the planning commission, the original will be returned to the subdivider with the approval of the planning commission certified thereon, for filing with the county register as the official plat of record; two (2) copies will be retained in the records of the Gordonsville Municipal Planning Commission and one (1) copy will be returned to the developer for his records.

(j) Approval of the final plat by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground.

(k) The final plat shall show. (i) The right-of-way and pavement lines of all streets and roads; the size and location of installed and/or pre-existing water mains; alley lines, hydrant locations; lot lines; building setback lines; any easements for rights-of-way provided for public services, utilities and the disposal of surface water; the limitation and/or dimensions of all easements; lots numbered in numerical order; any areas to be dedicated to public use; and any sites for other than residential use, with notes stating their purpose and limitations.

(ii) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, and building line whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.

(iii) All dimensions to the nearest one-hundredth (1/100) of a foot and angles to the nearest twenty (20) seconds.

(iv) Location and description of monuments.

(v) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un subdivided property.

(vi) Date, title, name and location of subdivision, graph scale, true north point, block and lot number.

(vii) Location sketch map showing in relation to area.

(viii) If any portion of the land being subdivided is subject to flooding or is in a Federal Emergency Management Agency identified flood hazard area, it shall be indicated on the final plat.

THE FINAL PLAT

SHALL SHOW:

STREETS, LOTS, SETBACK LINES,
LOT NUMBERS, ETC.

SUFFICIENT ENGINEERING DATA TO
REPRODUCE ANY LINE ON THE
GROUND.

DIMENSIONS, ANGLES, AND
BEARINGS

MONUMENTS

NAMES OF ADJOINING PROPERTIES

DATE, TITLE, NAME, AND LOCATION
OF SUBDIVISION.

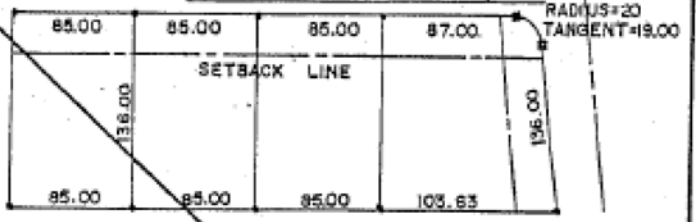
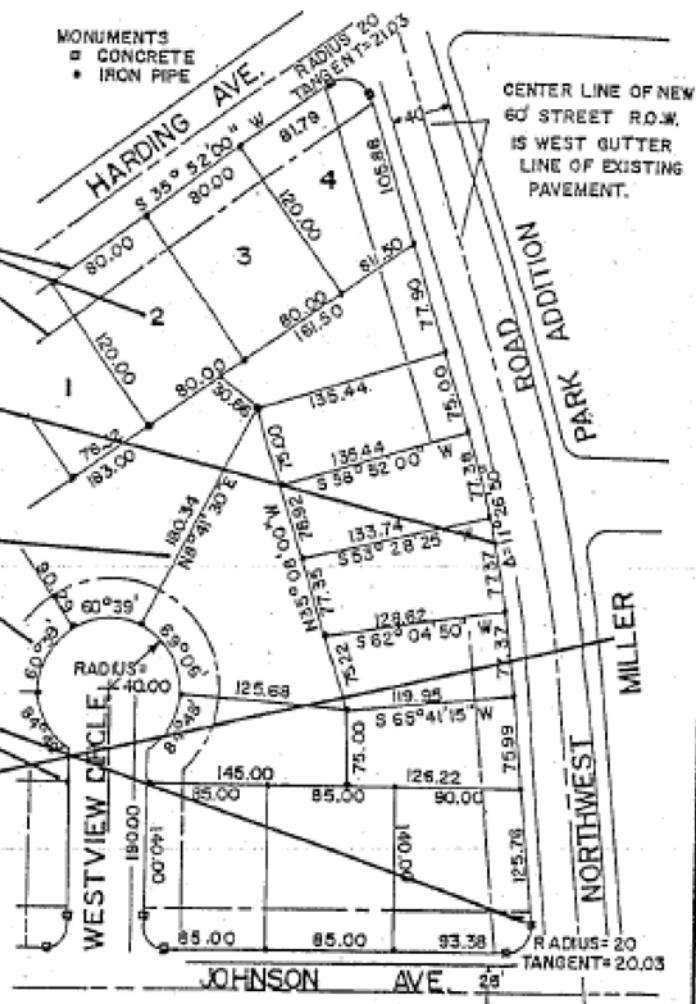
GRAPHIC SCALE AND TRUE NORTH
POINT

ALL PUBLIC UTILITY SYSTEMS

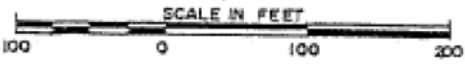
LOCATION SKETCH MAP AND
CERTIFICATES AS REQUIRED.

MONUMENTS
■ CONCRETE
● IRON PIPE

CENTER LINE OF NEW
60' STREET R.O.W.
IS WEST GUTTER
LINE OF EXISTING
PAVEMENT.



SECTION "A"
WEST HILLS ADDITION
TENNACITY, TENN.
MAY 5, 1979



(ix) Name and mailing address of developer/owner of property being subdivided; conveyance of property; tax map; group and parcel number of property.

(x) If this is a resubdivision of a previously recorded subdivision, provide plat book and page of last subdivision plat being amended.

(l) The planning commission shall require that an accurate map ("as built" drawings) of all water lines, valves, fire hydrants be supplied by the developer to the Town of Gordonsville as a condition for final approval of any plat. State law requires that plans and specifications of all water and waste water facilities shall be prepared by a registered engineer and approved by the Tennessee Department of Public Health. A copy of such plans shall be forwarded by the developer to the Town of Gordonsville.

(m) Approval of the final plat cannot be given until completion and approval of required improvements. These improvements are to be installed in accordance with § 14-503. The required improvements must be approved by the person(s) designated by town manager and/or a representative of the appropriate utility or road department, and then be reported to the planning commission. The required improvements include:

- (i) Monuments;
- (ii) Storm drainage system;
- (iii) Street grading and paving;
- (iv) Sidewalks (if required);
- (v) Water supply system lines and laterals;
- (vi) Driveway cuts with culverts (homes to be built by developer);
- (vii) Fire hydrants (if applicable);
- (viii) Any other improvements that may be required by the planning commission.

(n) Guarantee in lieu of completed improvements.

(i) Conditions may exist whereby a developer may be unable to install all improvements before requesting final plat approval. In lieu of the installation of all improvements, the planning commission may accept one of the following forms of financial guarantees, whereby in the event of default by the developer, improvements and utilities can be made without cost to the town:

(A) The establishment of cash in a bank escrow account in the full amount of the estimated cost of required improvements plus ten percent (10%) yearly inflation factor.

(B) An irrevocable letter of credit, issued by a bank or savings and loan, signed by two (2) officers, to cover the

full amount of the estimated cost of improvements plus ten percent (10%) yearly inflation factor.

(C) A performance bond from a surety bonding company to cover the full amount of the estimated cost of required improvements, plus ten percent (10%) yearly inflation factor.

(D) A certified check in the full amount of the estimated cost of required improvements, plus ten percent (10%) yearly inflation factor.

(ii) In determining the basic cost of improvements, the planning commission may use a formula using a base cost per linear foot for each required improvement, that being a cost standard in the construction industry that particular year. The planning commission may determine the base cost by receiving information and/or bids from recognized contractors. If the developer provides the bid or estimated cost of improvements, the planning commission must determine that the contractor will guarantee the cost for at least the term of the guarantee plus two (2) months.

(iii) At the time of acceptance of a guarantee, the planning commission shall specify the specific length of time for a bond or escrow account before the town would take legal steps to cash it, but this time cannot exceed two (2) years.

(iv) None of the financial guarantee may be partially withdrawn by the developer during the construction period to pay for development costs except in the case of a final payment made after final inspection and approval by the planning commission, or except in the case where a developer is postponing final paving on a road until after a winter settling period for the completed and approved base roadway.

(v) Forms and agreements to be used for financial guarantees in lieu of completed improvements are found in Appendix B, C and D¹ of this document.

(o) Certification. (See Appendix A for forms¹). In all cases some or all of the following certificates shall be present and signed on the original final plat before the planning commission secretary signs the plat for recording the plat at the register's office.

(i) Form 1. Certificate of ownership and dedication. Certification showing that applicant is the land owner and dedicates streets, rights-of-way, and any sites for public use.

¹Appendices are available in the town recorder's office.

(ii) Form 2. Certificate of accuracy and precision. Certification by surveyor of accuracy of survey and plat and placement of monuments.

(iii) Form 3. Certificate of general approval for installation of subsurface sewage disposal systems. This certification to be used if any lots will use septic tanks, and must be signed by the appropriate state health department representative before presentation to planning commission for final approval.

(iv) Form 4A. Certificate of approval of water lines. This certification is to be used for any lots where new water lines or hydrants have been (or will be) installed. Part (1) pertains to water facilities installed whereas Part (2) pertains to acceptance of a financial guarantee in lieu of improvements. This would be signed by an official of the applicable water service district.

(v) Form 4B. Certification of existing water lines. This certification is to be used for any lots served by and connected to previously existing water and/or sewer lines. This would be signed by an official of the applicable utility.

(vi) Form 5A. Certificate of streets and drainage system. This certification is to be used for any lots served by new streets, drainage system, etc., recently installed or to be installed, in conformance to planning commission regulations, with signature by applicable official.

(vii) Form 5B. Certificate of existing road(s). This certification is to be used for a subdivision which does not involve new road construction but which fronts on an existing road. That road may not meet planning commission requirements.

(viii) Form 6. Certificate of approval for recording. Certification by planning commission secretary that plat has been approved by the commission. In all cases this certification will be signed only after all other certificates have been signed and after final approval has been granted by the planning commission.

(p) Inspections procedures. The developer shall notify the mayor, town street and utilities supervisor and/or utility district managers when work on streets and/or utilities is to begin and the anticipated schedule for the preparation of subgrade and road base, installation of drainage and underground utilities, and final surfacing of the road. Since the inspections need to be made periodically during the entire process, communication with the mayor, town street and utilities supervisor and/or utility district managers is essential to make the process move as smooth as possible.

The developer shall notify the mayor, town street and utilities supervisor and/or utility district managers at least twenty-four (24) hours in advance of the needed inspection on:

- (i) Street grading, preparation of subgrade, and installation of the drainage system.
- (ii) Installation and pressure testing of water mains, water stubs, and any other underground utility lines.
- (iii) Pavement base. Inspection includes checking thickness of gravel every five hundred feet (500') at random points across width.
- (iv) Final paving and drainage system.

Throughout the construction period, the mayor (or a designated person), town street and utilities supervisor and/or utility district managers will keep a log of findings and periodically report the status to the planning commission staff planner. Problems should be brought to the attention of the planning commission immediately. Upon completion of steps (i)-(iv) listed above, the inspector(s) will submit a written report to the planning commission. These inspection reports will become part of the official records of the planning commission. If a guarantee is posted by the developer in lieu of required improvements, funds shall not be released until all roads and utilities meet all required standards and the planning commission has received written reports to that effect. (Ord. #88-05-00, May 1988)

14-503. Design and specifications. A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community a potential tax liability.

(1) Suitability of the land. (a) Land physically unsuitable for subdivision.

(i) Land where flooding, bad drainage, steep slopes, rock formations, and other such features which may endanger health, life or property, aggravate erosion, increase public funds for supply and maintenance of services; and

(ii) Land which other public agencies have investigated and found in the best interest of the public not suitable for the type of platting and development proposed shall not be approved for subdivision unless adequate methods are formulated by the developer for meeting the problems created by subdivision of such land. Such land within any plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

(b) Land unsuitably located for subdivision. (i) The planning commission shall not approve what it considers to be scattered or

premature subdivision of land which would endanger health, safety, or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, or other public services or which would necessitate an excessive expenditure of public funds for the supply or maintenance of such services.

(ii) Land unsuitable for subdividing is also that located in close proximity to potentially hazardous commercial operations which may endanger health, life or property of the residents of the proposed subdivision.

(2) Special requirements for floodable areas. (a) Purpose. The purpose of this section is for the review of subdivision proposals to determine whether such proposals will be reasonably safe from flooding. In order to accomplish this, the following regulations shall apply.

(b) Definition of "land subject to flooding." (i) For the purpose of these regulations, "land subject to flooding" shall be defined as the special flood hazard areas within the corporate limits of Gordonsville as shown on the flood boundary and floodway maps and flood insurance rate map for Smith County, dated April 15, 1981, and any revision thereto, and until such time as similar maps are printed for Gordonsville.

(ii) All subdivision developments in the Town of Gordonsville shall adhere to the regulations adopted in the Gordonsville Flood Plain Zoning Ordinance, adopted on December 3, 1987.

(c) Regulations for subdivisions containing land subject to flooding. (i) All subdivision proposals shall be consistent with the need to minimize flood damage.

(ii) All creeks, lakes, ponds, sinkholes or other drainage areas shall be shown on the preliminary and final subdivision plat.

(iii) Every lot platted shall have a flood-free building site.

(iv) All subdivision proposals shall have public utilities and facilities, such as gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(v) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(vi) Base flood elevation data shall be provided for all subdivision proposals containing land subject to flooding.

(vii) Utilities. (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration.

(C) If on-site waste disposal septic systems are to be used, a flood-free site shall be provided on each lot in order to avoid impairment to them or contamination from them during flooding.

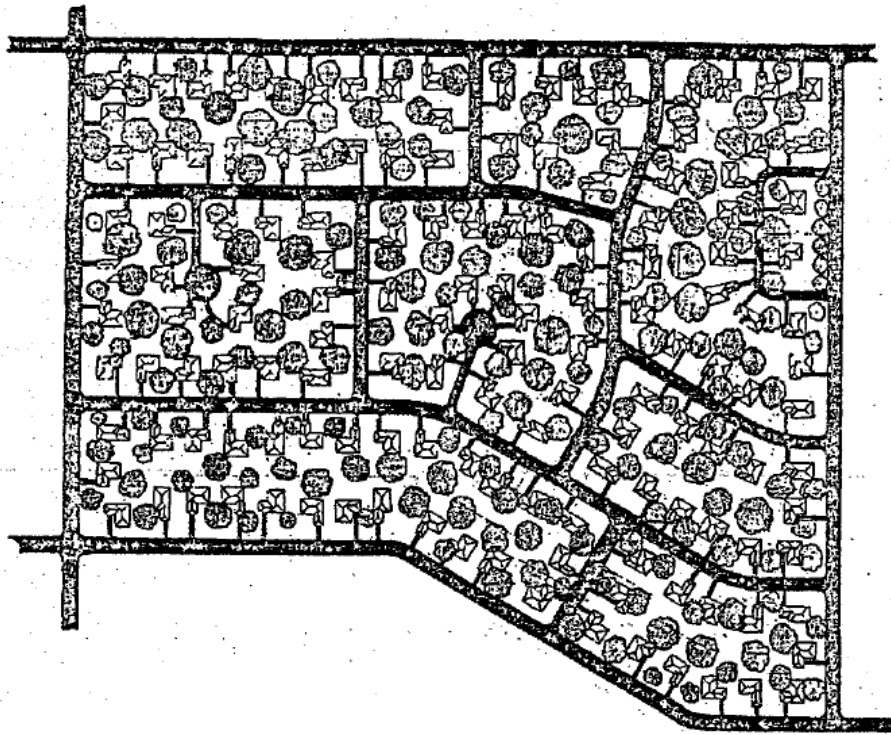
(3) Monuments. (a) Concrete monuments four inches (4") in diameter, square, three feet (3') long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

(b) All other lot corners shall be marked with iron pipe not less than three-fourth inches (3/4") in diameter and twenty-four inches (24") long, and driven so as to be flush with the finished grade.

(4) Streets. (a) General information.

(i) Arrangement. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewers, water and drainage facilities. Local streets shall be so laid out that their use by through traffic will be discouraged. Where, in the opinion of the planning commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The curvi-linear street layout will be encouraged by the planning commission (See Diagram 1.)

Diagram 1



(ii) Conformity to the major road plan. The location and width of all streets and roads shall conform to the official major road plan.

(iii) Relation to adjoining street system. The proposed street system shall extend any adjoining existing streets at the same or greater width, but in no case less than the required minimum width.

(iv) Relation to topography. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as practicable to the original topography.

(v) Flood prevention. Streets which will be subject to inundation or flooding shall not be approved. All streets must be located at elevations which will make them flood-free in order that portions of the subdivision will not be isolated by floods. Where flood conditions are anticipated, profiles and elevations of streets will be required in order to determine the advisability of permitting the proposed street layout.

(b) Street right-of-way widths. The minimum width of the street right-of-way, measured from lot line to lot line, shall be as shown on the major road plan, or if not shown on such a plan, shall be not less than as listed below:

- (i) Arterial streets and highways 80-150 ft.
(See definition § 14-501(4)(i))
- (ii) Collector streets 60 ft.
(See definition § 14-501(4)(ii))
- (iii) Minor residential streets 50 ft.
(See definition § 14-501(4)(iv))
- (iv) Marginal access streets 50 ft.
(See definition § 14-501(4)(v))
- (v) Cul-de-sacs 100 ft.
(See definition § 14-501(4)(iii))
- (vi) Alleys (if approved) 30 ft.
(Used primarily for business or industrial areas to provide service access to the rear of lots.)

(c) Minimum surfacing widths. (i) Minimum surfacing widths shall be as follows:

- (A) Minor residential and rural streets . . . 26 ft.
 - (B) Cul-de-sacs 80 ft.
- (See also 14-503(4)(h)(i))
- (C) Collector streets 36 ft.
 - (D) Arterial streets and highways 48 ft.

(ii) Due to the diversity of the development in the planning region, ranging from sparsely populated agricultural areas to densely populated urban areas, required surfacing widths may necessarily vary with the character of building development, the amount of traffic encountered, and the need to provide space for on-street parking.

(iii) In general, streets through proposed business areas shall be considered either collector streets or arterial streets and the street widths of streets so located shall be increased six feet (6') on each side if needed to provide parking without interference to normal passing traffic.

(d) Additional width on existing streets. Subdivisions that abut existing streets shall dedicate additional right-of-way to meet the minimum street width requirements.

(i) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

(ii) When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

(e) Street grades. (i) Grades on major streets shall not exceed seven percent (7%); grades on other streets shall not exceed fifteen percent (15%). No more than three percent (3%) grade within fifty feet (50') of any intersection with a collector or arterial street will be allowed.

(ii) Upon preliminary plat approval, if the street grade appears questionable, a street grade profile map may be required for the questionable area before approval of final plat.

(iii) Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred feet (200'), said sight distance being measured from the driver's eyes, which are assumed to be four and one-half feet (4 1/2') above the pavement surface.

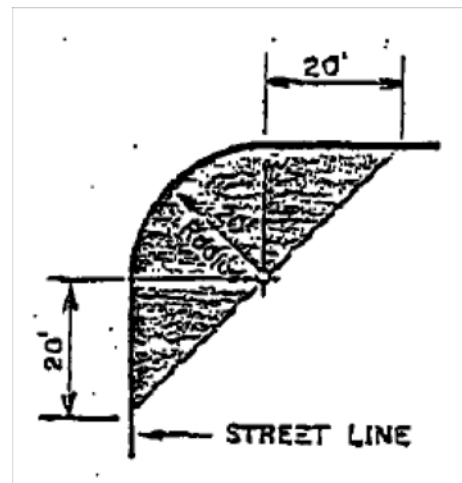
(iv) Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred feet (1" = 100') horizontal, and one inch equals twenty feet (1" = 20') vertical, may be required by the planning commission.

(f) Curves. (i) Horizontal curves. Where a deflection angle of more than ten degrees (10°) in the alignment of a street occurs, a curve or reasonably long radius shall be introduced. On streets sixty feet (60') or more in width, the center line radius or curvature shall be not less than three hundred feet (300'); on other streets it shall be not less than one hundred feet (100').

(ii) Tangents. A tangent of at least one hundred feet (100') in length shall be introduced between reverse curves on all streets.

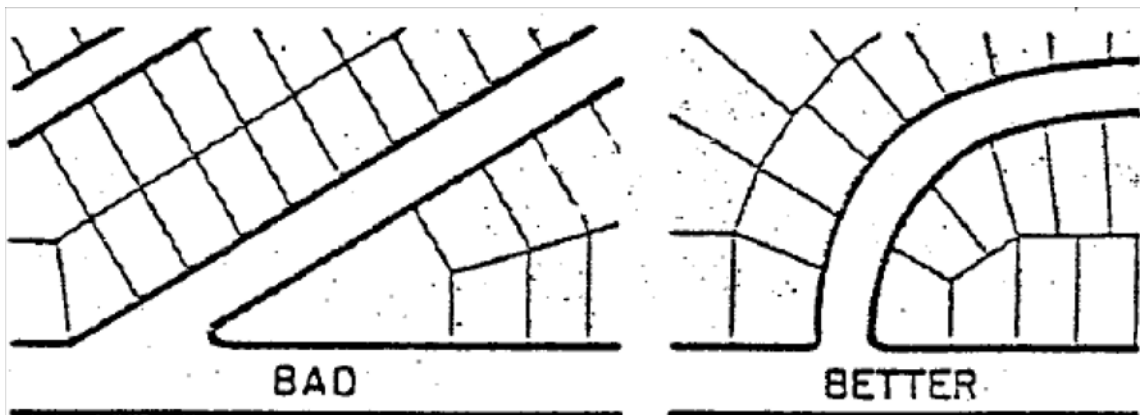
(iii) Curve radii at street intersections shall not be less than twenty feet (20') and where the angle of street intersection is less than seventy-five degrees (75°) the planning commission may require a greater curb radius. To permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

Diagram 2



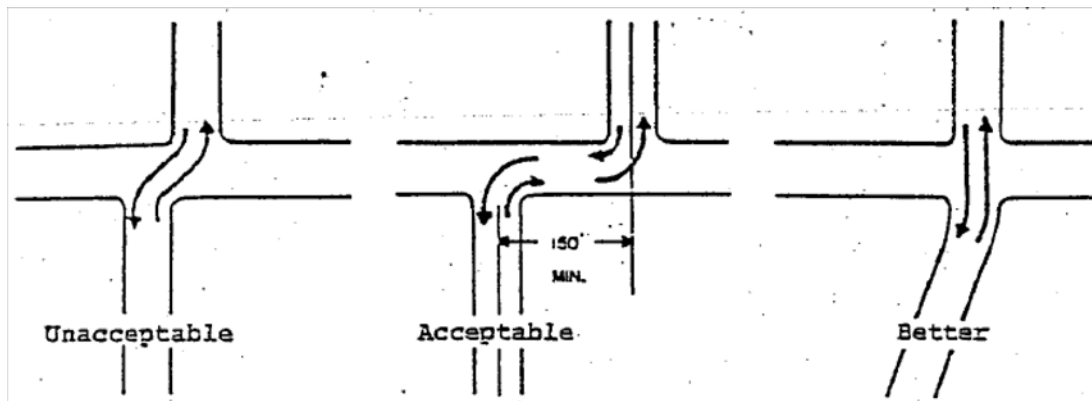
(g) Intersections. (i) Street intersections shall be as nearly at right angles as is possible and no intersection shall be at the angle of less than sixty (60°) degrees.

Diagram 3



(ii) Street jogs. Street jogs with center line offsets of less than one hundred fifty feet (150') shall not be allowed if the proposed street is to connect with or is an arterial or collector street. Street jogs on minor residential streets with center line offsets of less than one hundred twenty-five feet (125') shall not be allowed.

Diagram 4



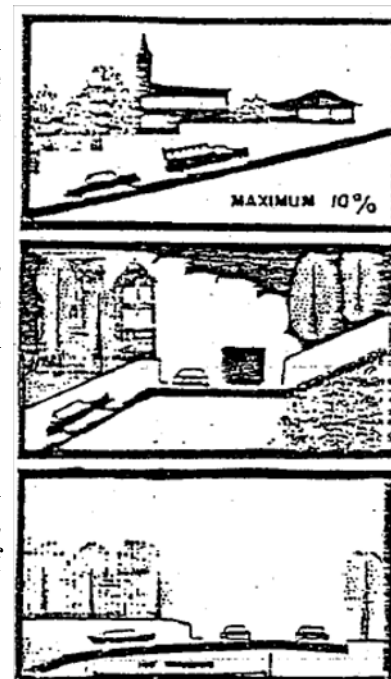
(iii) Visibility of intersections; steep grades and curves. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot (whether at an intersection entirely within the subdivision or of a new street with an existing street) shall be leveled and cleared of brush (except isolated trees) and obstruction above the level three feet (3') higher than the center line of the street. If directed, the ground shall be excavated to achieve visibility.

Diagram 5

Excessive grades on any street create traffic and drainage problems.

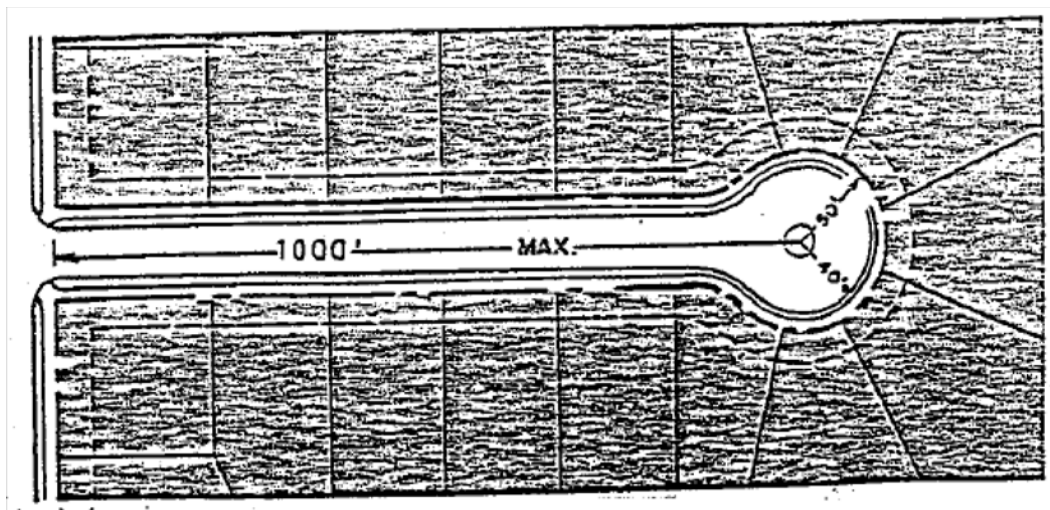
Steep grades at intersections reduce sight distances and hinder vehicle control.

Street grades should be flattened out within 100 feet of intersections.



(h) Dead-end streets. (i) Permanent. Minor terminal streets or courts designed to have one (1) end permanently closed shall be no more than one thousand feet (1,000') long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside pavement diameter of at least eighty feet (80') and a street right-of-way diameter of at least one hundred feet (100').

Diagram 6



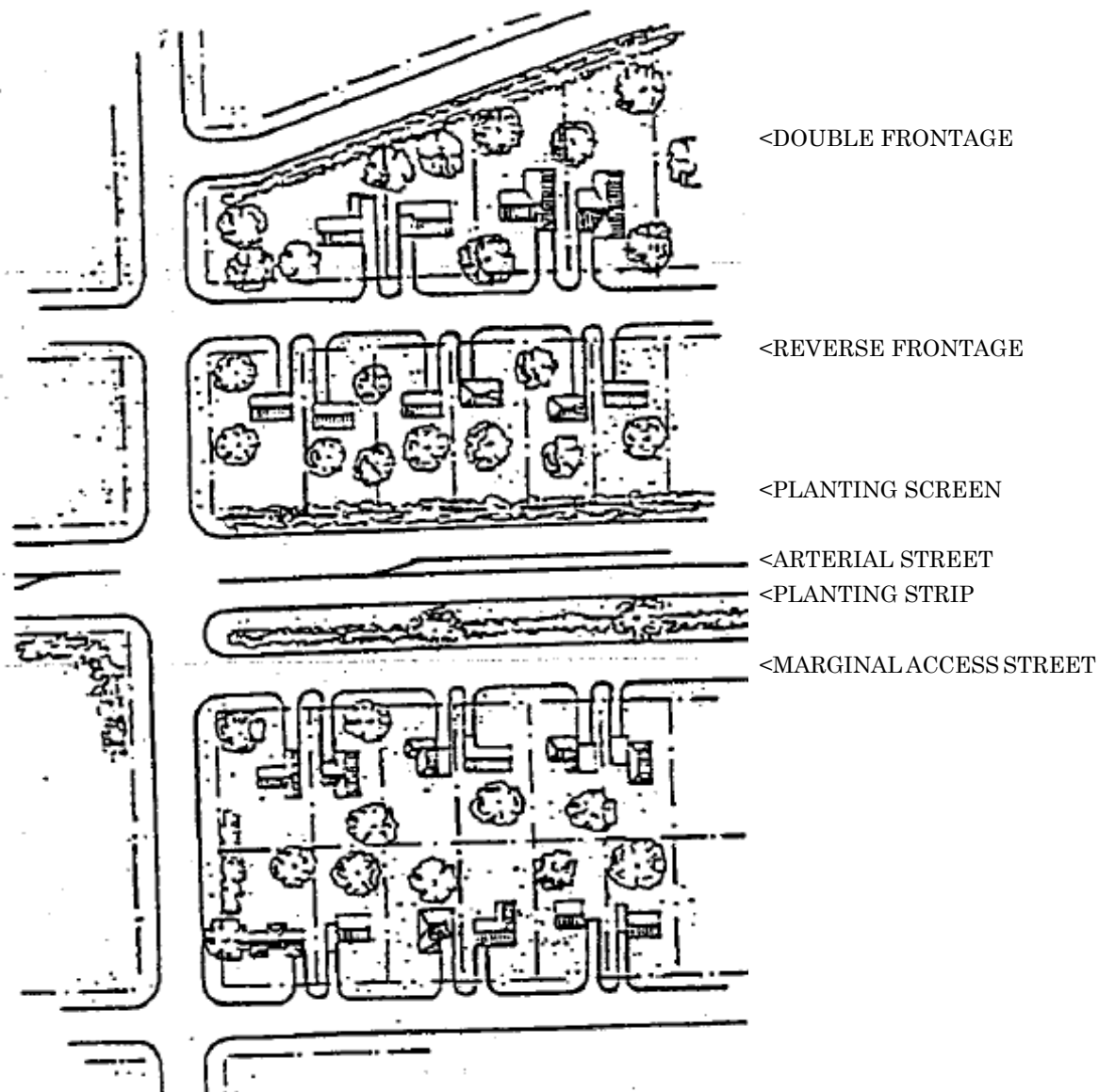
(ii) Temporary. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary paved turn-around having a roadway surface diameter of at least eighty feet (80').

(i) Private streets and reserve strips. There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission.

(j) Permanent easements. Permanent easements shall be developed to meet all standards required for town streets as provided in these regulations. These include, but are not limited to, all requirements for street right-of-way widths, minimum surfacing widths, street grades, curves, intersections, dead-end streets, sidewalks, streets in commercial

subdivision developments, street names, and street construction procedures and specifications.

(k) Special treatment along major arterial streets. When a subdivision abuts or contains an existing or proposed major arterial street, the commission may require either marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.



(l) Sidewalks (optional). For the safety of pedestrians and of children going to school, installations of sidewalks on one side or both sides of the street may be required on certain collector and arterial streets, in the vicinity of schools, and in order locations where the planning commission considers sidewalks to be needed.

Sidewalks shall be located in the street right-of-way not less than one foot (1') from the property line to prevent interference or encroachment by fencing, walls, hedges or other planting or structures placed on the property line at a later date.

In a single family residential area, concrete sidewalks shall be four feet (4') wide and four inches (4") thick. In multi-family or group housing developments, sidewalks shall be five feet (5') wide and four inches (4") thick. In commercial areas, sidewalks shall be ten feet (10') wide and four inches (4") thick.

(m) Streets in commercial subdivision developments. (i) Service streets or loading space in commercial development. Paved rear service streets or alleys of not less than twenty feet (20') wide, or adequate off-street loading space with a suitable paved surface shall be provided in connection with lots designed for commercial use.

(ii) Free flow of vehicular traffic abutting commercial developments. In front of areas designed for commercial use, the street's width shall be increased by such amount on each side as may be deemed necessary by the planning commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

(n) Street names. (i) Proposed streets, which are obviously in alignment with others already existing and named, shall bear the name of existing streets.

(ii) New street names shall be substantially different so as not to be confused in sound or spelling with present street names as shown on the street index map for the Town of Gordonsville. The only exception to this policy is where a proposed street is an extension of (or is in alignment with) an existing street. Generally, no street could change direction by more than ninety (90°) degrees without a change in street name.

(iii) The developer is encouraged to erect street name signs in subdivisions outside town limits of Gordonsville at all intersections. These add value to land subdivision and enable strangers, delivery concerns, emergency vehicles, and even potential buyers to find their way around. The subdivider should consult with the town street department.

(o) Street construction procedures and specifications. (i) Street construction specifications.

| <u>Cross section</u> | <u>Local</u> | <u>Collector roads</u> |
|----------------------|--------------|------------------------|
| Right-of-way | 50 ft. | 60 ft. |
| Width of base | 30 ft. | 40 ft. |
| Thickness of base | 6 in. | 6 in. |
| Width of surfacing | 26 ft. | 36 ft. |
| Roadbed width | 32 ft. | 44 ft. |

(ii) Subgrade preparation. Before grading is started, the areas within the limits of construction shall be cleared of all objectionable matter, such as trees, stumps, roots, weeds, heavy vegetation, etc. Top soil shall be removed and stock piled for later use as a topping-out material for seeding and sodding.

If rock is encountered, it shall be removed or scarified to provide adequate roadway drainage. The subgrade shall be constructed according to section 207 of the Standard Specifications for Road and Bridge Construction, by the Tennessee Department of Highways (and all subsequent revisions) and approved by town engineer.

Grading shall follow these standards:

| <u>Cut and Fill Slopes</u> | <u>Differences between elevation of grade and ground</u> |
|----------------------------|--|
| 4:1 | 0' to 2' |
| 3:1 | 2' to 6' |
| 2:1 | 6' to 9' |
| 1 1/2:1 | 9' and over |
| 1/2:1 | rock slopes |

After grading is completed, and before any base is applied, all of the underground work (water and sewer lines, if applicable, any other utilities, service connections, and drainage culverts) shall be installed completely throughout the length and width of the road. Where the subgrade is cut for the installation of underground utilities, the backfill shall be thoroughly compacted in layers not to exceed eight inches (8") in thickness, by hand, or by pneumatic tamping equipment. Backfills shall be compacted to a density not less than that of the original compacted fill.

The finished subgrade shall provide for the superelevation and crown of the roadway.

(iii) Street drainage. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen inches (18"). Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the roadbed.

(iv) Road bank seeding and erosion control. Areas disturbed by cut or fill along roadways shall be shaped and seeded with permanent vegetation. This work should be accomplished in conjunction with roadway construction in order to reduce erosion and prevent the siltation and clogging of culverts and drainage ways. In areas with slopes over three percent (3%) grade excluding rock conditions, sodding of drainage ways, concrete waterways and/or ditch checks may be required.

(v) Pavement base preparation. After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one-half inches (2 1/2") down including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted. The compacted thickness of the stone roadway shall be no less than six inches (6").

Construction shall be as specified in section 303 Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways (and all subsequent revisions).

After the thoroughly compacted base has been established it should be allowed to settle for a period of four to six (4 – 6) months under normal traffic conditions prior to application of all-weather, hard surfacing. If the developer chooses this option, and wants final plat approval before applying the final surfacing, he must set up a financial guarantee to cover the cost of the surfacing.

Before final surfacing, and after the settling period, the developer shall insure that a minimum base of six inches (6") is provided.

(vi) Prime coat. The base, prepared as outlined above, shall be sprinkled lightly with water to settle any loose dirt. A bituminous prime coat shall then be applied uniformly over the surface to the base by the use of an approved bituminous distributor. The prime coat shall be applied at the rate of three-tenths (3/10) gallon per square yard, using cutback asphalt, grade RC-70 or RC-250, or refined tar, grade RT-2, RT-3, or emulsified asphalt grade AE-P.

This shall be immediately covered with crushed stone at the rate of ten (10) pounds per square yard. The chips shall be applied with suitable spreading devices to prevent the tires of the truck from tracking over the fresh bituminous material.

(vii) Wearing surface. Upon completion of the prime coat, an asphaltic concrete surface (hot mix) shall be applied by the developer. The composition of this mix will be five to eight percent (5-8%) by weight mineral aggregate. The mineral aggregate shall be composed of fifty to fifty-five percent (50-55%) crushed limestone and forty-five to fifty percent (45-50%) natural or manufactured sand and shall meet the following range of gradations:

| <u>Grading sieve size</u> | <u>Total percent passing (By weight)</u> |
|---------------------------|--|
| 1/2" | 100 |
| 3/8" | 88-100 |
| No. 4 | 56-80 |
| No. 8 | 40-60 |
| No. 30 | 18-38 |
| No. 50 | 8-26 |
| No. 100 | 5-15 |
| No. 200 | 2-10 |

The sand portion of the mineral aggregate shall be so graded that not more than five percent (5%) will be retained by No. 4 sieve. The rate of spread for the asphaltic concrete mix will be two hundred (200) pounds per square yard.

Construction equipment to be used shall meet the specifications of Tennessee Department of Highways Standard Specifications for Road and Bridge Construction, 1968 edition, sections 407.04 through 407.08. Construction procedures will follow the specifications of section 407.09 through 407.18 of the

same document. Exceptions to the above specifications; section 407.15 compaction, will be as indicated in condition three (3) for asphaltic concrete surface course. Also, the last sentence of section 407.17 will not apply.

(viii) Inspections. The roadway shall be inspected at various stages of construction by the appropriate town street authority. Written approval must be made by the inspector at each stage prior to proceeding. (See 14-502(3)(p) for additional information on inspections procedures.)

(5) Utilities. (a) Easements. The planning commission may require easements, not less than twelve feet (12') and not more than twenty feet (20') in width for poles, wires, conduits, storm sewers, gas, water and heat mains, or other utility lines, along all rear lot lines, along side lot lines if necessary, or if in the opinion of the planning commission, advisable. Easements of the same or greater width may be required along lot lines, where necessary, for the extension of existing or planned utilities.

(b) Installation. After road grading is completed and approved and before any gravel or surfacing is applied, all of the underground work (water mains and other underground utilities, where applicable, and all service connections) shall be installed completely and approved throughout the length of the road and across the flat section.

(c) Water supply system. (i) Accessibility. The provision of a public water supply is deemed by the planning commission to be essential to the public welfare in developments where homes will be in close proximity to each other. When a proposed subdivision is not directly adjacent to an area served by a public water supply system, the planning commission shall determine the accessibility of the nearest system and determine whether the subdivider must make connections. Lands without accessibility to public water supply systems or developments not capable of the provision of an adequate supply of water through an approved system of production, storage, and distribution, capable of providing adequate flow for domestic use and fire protection, shall be deemed unsuitable for development as a subdivision until such time as this system can be provided. Exception may be considered on an individual basis for good cause.

(ii) Water mains properly connected with the Town of Gordonsville's water supply system or to the applicable water utility district system shall be constructed in such a manner as to serve all lots shown on the subdivision plat for both domestic use and fire protection.

(iii) Materials and construction procedures for water mains and connections shall be in accordance with basic requirements of the applicable water district.

(iv) Mains of six inches (6") in diameter shall be installed throughout the subdivision and shall connect to existing six inch (6") water mains; except along cross streets of one thousand feet (1,000') or less and in the last five hundred feet (500') of permanent cul-de-sacs, where no less than two inch (2") mains may be installed. Every attempt shall be made to establish a gridiron layout, preferably "looped," with a minimum of dead-end lines. All lines shall meet the specifications of the applicable water service district.

(v) Connections to the water system shall be installed for every lot in a subdivision so that future connections will not require digging up or tunneling under streets or interruption to service to other connections on the system.

(vi) Fire protection. (A) If fire protection can be provided at the time of platting, then fire hydrants shall be spaced approximately five hundred feet (500') apart in residential areas and no less than three hundred feet (300') apart in commercial areas. They shall be so located that they will be accessible, protected from traffic hazards, and will not obstruct walks, roadways, or parking facilities.

(B) If fire hydrants are not deemed necessary by the planning commission at time of platting, then "t's" with caps shall be placed at hydrant locations as specified above.

(C) All fire hydrants shall have two (2) two and one-half inch (2 1/2") outlets and one (1) outlet to fit large fire department suction hoses.

(D) There shall be a valve in the lateral between the street main and fire hydrant.

(d) Septic tanks. Lots must contain adequate area for the installation of approved septic tank(s) and disposal fields as determined by and approved in writing by the appropriate state health officer prior to the plat receiving final approval.

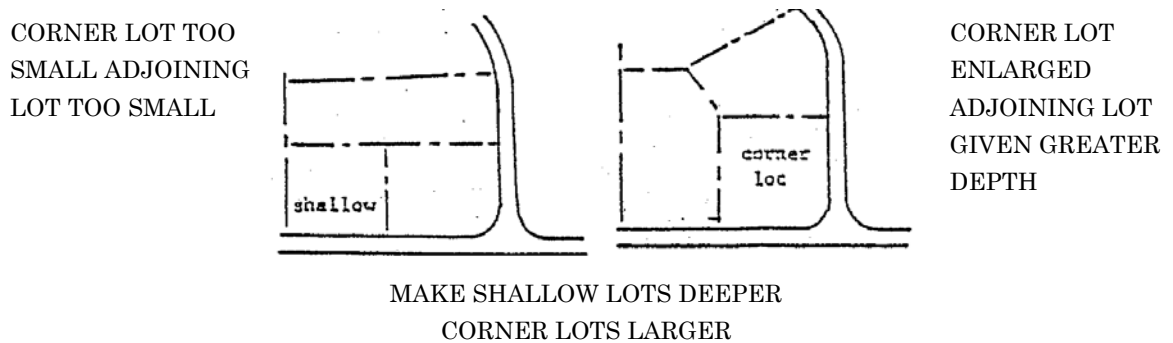
(e) Other utilities (gas, electric, telephone, cable TV, etc.)

(i) Below ground. The planning commission shall encourage the complete use of underground utilities wherever practical. These are to be installed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines. The following requirements shall apply: After grading is completed and approved, and before any pavement base is applied, all of the instreet underground work (water, gas and electric lines and all service connections) shall be completely installed and approved throughout the length of the street and across the flat section. The subdivider should install underground

service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.

(ii) Above ground. Where electric, telephone and/or cable TV utilities are to be installed above ground, they should be provided for in rear lot easements whenever practicable. These easements shall be perpetual, unobstructed, a minimum of twenty feet (20') in width and provided with satisfactory street access. Whenever possible, easements shall be cleared and graded where required.

(6) Lots. (a) Lots to be buildable. The lot arrangement shall be such that in constructing a building there will be no foreseeable difficulties for reasons of topography or other natural conditions. Lots should not be of such depth as to encourage one later creation of a second building lot at the front or rear.



(b) Side lines. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variance from this rule will give a better street or lot plan.

(c) Minimum lot size. The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where a public water supply system is reasonably accessible, the subdivider shall connect with such system and provide connections to each lot.

Residential lots served by public water and private sewage disposal systems (septic tanks):

Minimum area = 20,000 sq. ft., or as determined by state health officer.

Minimum width at building setback line = 100 ft., or as determined by state health officer.

Greater area may be required for private sewage disposal if there are factors of drainage, soil condition or other conditions to cause potential health problems. The planning commission requires that

results from soils tests be submitted in order to approve subdivisions dependent upon septic tanks as a means of sewage disposal.

(d) Non-residential lots. The size of lots reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street services and parking facilities required by the type of use and development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land so as to provide insulation against adverse effect on present or future adjacent residential development.

(e) Building setback lines. (i) The minimum depth of building setback lines from the abutting street right-of-way shall be as follows:

- (A) Local streets 30 ft.
- (B) Collector streets 40 ft.
- (C) Arterial streets 50 ft.

(ii) The building setback line from the side and rear lot lines shall be ten feet (10').

(f) Off-street parking. All residential subdivision lots shall provide sufficient off-street parking space for at least two (2) vehicles. Non-residential subdivisions shall provide sufficient off-street parking and loading space.

(7) Drainage. (a) An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. This will include adequate easements to remove surface water from the buildable portion of lots.

(b) Removal of spring and surface water. The subdivider may be required by the planning commission to carry away pipe or open ditch any spring or surface water that may exist either previous to, or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.

(c) Other watercourses. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by means of culverts or other structures of design approved by the road supervisor. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way as required, and it shall in no case be less than twenty feet (20') in width.

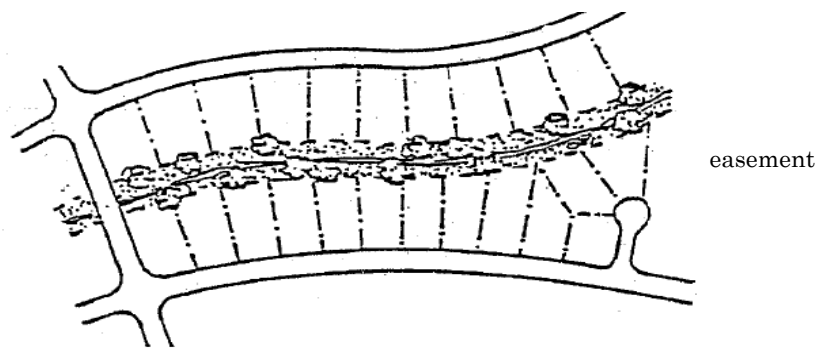
(d) Storm drainage under roads. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen inches (18") in diameter. Cross drains shall be built on straight line and grade, and shall be laid on a

firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact with the top of the pipe at least one foot (1') below roadbed.

(e) Driveway culverts shall be a minimum of fifteen inches (15") in diameter.

(f) Drainage structure to accommodate potential development upstream. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

Diagram 10



EXAMPLE OF DRAINAGE EASEMENT AT REAR OF LOTS

(g) Responsibility from drainage downstream. The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage, provision shall be made for the improvement of said condition.

(h) Land subject to flooding. See § 14-503(2) for special requirements for floodable areas.

(i) Erosion reduction. The planning commission may require the subdivider to utilize grading techniques, subdivision design, landscaping, sedimentation basins, special vegetation cover, and other measures to reduce erosion and sedimentation during and after development.

(8) Parks, open spaces, and natural features. (a) Recreation areas shown on town plan. Where a proposed park, playground or open space shown on the town or county plan is located in whole or in part in a subdivision, the commission shall require that such area or areas be shown on the plat in accordance with the requirements specified in

subsection (c) below. Such area or areas may be dedicated to the town or county by the subdivider if the applicable governing body approves such dedication.

(b) Parks and playgrounds not shown on town plan. (i) The planning commission may require that the plat show site(s) of a character, extent, and location suitable for the development of a park, playground, or other recreation purpose. The planning commission may require that the developer satisfactorily grade any such recreation areas shown on the plat.

(ii) The developer may want to set aside lot(s) or acreage for public open space or a public park. In such case the developer should discuss his ideas and/or plans with the planning commission, the mayor and the applicable parks and recreation board to determine if the appropriate governing body would consider accepting such dedications and if the town would require improvements by the developer.

(iii) Within one (1) year from the date the subdivision improvements (water, sewer, roads) are completed, the developer may submit to the appropriate local governing body, a proposal to dedicate land area to the public as a park, playground or other open space. In such case the developer should notify the planning commission by letter of his intention and plan. The planning commission will review the proposal and recommend for or against approval to the appropriate governing body. The planning commission encourages the governing body to act on such proposals within ninety (90) days. The developer is reminded that the town has the right to accept or reject any dedication and can impose any of additional requirements.

(c) Information to be submitted. (i) For any area that is proposed to be used for open space, a park or playground, the subdivider shall submit, prior to final approval, to the commission, three (3) prints drawn in ink showing, at a scale of not less than thirty feet (30') to the inch, such area and the following features thereof:

(A) The boundaries of the said area, giving lengths and bearings of all straight lines, radii, lengths, central angles and tangent distances of all curves.

(B) All existing or proposed features such as brooks, ponds, clusters of trees, rock outcrops, structures, water/sewer lines, easements, etc.

(C) Existing, and if applicable, proposed changes in grade and contours of the said area and of area immediately adjacent.

(D) Certificate of ownership and dedication.

(E) Certificate of accuracy.

(d) Waiver of plat designation of area for park and playground. In cases where the planning commission finds that due to the size, topography, or location of the subdivision land for park, playground or other recreation purposes cannot be properly located therein, or in the opinion of the commission it is not desirable, the commission may waive the requirements that the plat show land for such purposes.

(e) Preservation of natural features. The planning commission shall, wherever possible attempt to preserve all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, historic spots, vistas and similar irreplaceable assets. Any natural features that are to be preserved either by request of the planning commission or by decision of the developer shall be deeded to the Town of Gordonsville. An easement not less than ten feet (10') in width shall be provided for access to and circulation around any common natural features. (Ord. #88-05-00, May 1988)

14-504. Enforcement and penalties for violations. The enforcement of these regulations and penalties for the unapproved recordation or transfer of land are provided by state law in the authority granted by public acts of the State of Tennessee.

(1) Enforcement. (a) No land in an unapproved subdivision shall be transferred, sold, agreed to be sold, or negotiated to be sold without a plat of said subdivision having been submitted to the municipal planning commission and approved; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not be excluded as provided in Tennessee Code Annotated, § 13-4-306.

(b) No board, public officer, or authority shall light any street, lay or authorize the laying of water mains or sewers or the construction of other facilities or utilities in any street located within the area of planning jurisdiction, unless such street shall have been accepted, opened, or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission, or a thoroughfare plan made and adopted by the commission as provided in Tennessee Code Annotated, § 13-4-307.

(c) Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the municipal planning commission and obtained its approval and before such plat be recorded in the office of the county register, shall be deemed guilty of a

misdemeanor, punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties as provided in Tennessee Code Annotated, § 13-4-306.

(d) Any building or structure erected or to be erected in violation of this section shall be deemed an unlawful building or structure, and the building inspector or the town attorney or other official designated by the Gordonsville Board of Mayor and Aldermen may bring action to enjoin such erection or cause it to be vacated or removed in accordance with Tennessee Code Annotated, § 13-4-308.

(e) No building permit shall be issued and no building shall be erected on any lot in a subdivision within the area of jurisdiction of the planning commission unless the street giving access thereto has been accepted as a public street in accordance with these regulations, or unless such street has been accepted as a public street prior to the effective date of these regulations, as provided in Tennessee Code Annotated, § 13-4-308.

(2) Penalties. No county register shall file or record a plat of a subdivision of land within the municipality without the approval of the planning commission as required by Tennessee Code Annotated, § 13-4-302, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (Ord. #88-05-00, May 1988)