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WITH ASSISTANCE FROM
WEST TENNESSEE OFFICE
TENNESSEE DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT
LOCAL PLANNING OFFICE

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ZONING ORDINANCE
OF
GILT EDGE, TENNESSEE

CHAPTER 1

AUTHORITY

Section 1-100. An ordinance, in pursuance of the authority granted by Section 13-7-201 through 13-7-210, Tennessee Code Annotated authorizing the Town of Gilt Edge, Tennessee to establish districts or zones within the corporate limits; to regulate within such districts the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings, structures, to provide methods of administration of this Ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF GILT EDGE, TENNESSEE, AS FOLLOWS:

TITLE

Section 1-101 This Ordinance shall be known as the “Zoning Ordinance of Gilt Edge, Tennessee”. The map herein referred to, which is identified by the title “Zoning Map of Gilt Edge, Tennessee” and the signature of the Mayor attested by the City Recorder, and all explanatory matters thereon are hereby adopted and made a part of this Ordinance.

PURPOSE

Section 1-102 The zoning regulations and districts as herein set forth have been made in accordance with a safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the street, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things, of the character of each district and it’s conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

CHAPTER II

DEFINITIONS

Section 2-100. Definitions. Unless otherwise stated, the following words shall, for the purpose of this Ordinance, have the meaning here indicated. Words used in the present tense include the future. The singular number includes the plural, and plural the singular. The word “shall” is mandatory, not directory.

1. Agriculture, Agricultural Uses - The cultivation of crops and the raising of livestock; farming.
2. Alley – Any public or private way set aside for public travels and less than twenty (20) feet or less in width.
3. Automobile Storage and Standing Space – Any area reserved and suitable for automobile storage, standing or parking space. Each space shall be a minimum of two hundred (200) square feet in area. Such area shall be provided with safe vehicular access to a public street or alley.
4. Building – Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, 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 any residential district and dwelling shall be deemed to be the principal building on the lot on which the same is situated.
 - B. Accessory Building – A subordinate building, the use of which is incidental to that of a principal building on the same lot.
5. Carport – A one-story structure attached to the principal building, open and to remain open on two or three sides except for necessary supporting posts; to be used only for the shelter of an automotive vehicle.
6. Day Care Facility – Any place operated by a person, social agency, corporation, institution, or any other group which receives not less than five (5) children under 17 years of age for care outside their own homes less than 24 hours per day without transfer of custody. (A state license is not required for a home providing care for fewer than five (5) children.

7. Dwelling, Mobile Home – A factory-built residential structure constructed as a single, self-contained unit and mounted on a single chassis or under-carriage, which includes axles, wheels, and a tongue or hitch. A mobile home is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer for delivery to a mobile home dealer, or arriving at the site ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundation, and connections to utilities. The character of a mobile home as a non-permanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation. A travel trailer is not considered a mobile home. The term “mobile home” shall include further definition as provided in Tennessee Code Annotated Section 68-36-202.
8. Dwelling, Manufactured Residential - A structure, transportable in one or more sections, which may be built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained therein. For the purpose of these regulations the term “manufactured home” does not include “mobile home” as herein defined and as further defined in Tennessee Code Annotated Section 12-24-201.
9. Dwelling, Single-Family – A detached residential dwelling unit other than a mobile home, designed for and occupied by two families only.
10. Dwelling, Two-Family – A detached residential dwelling unit other than a mobile home, designed for and occupied by two families only.

Dwelling, Multi-Family – A residential building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided. (Amended 2/11/03)
11. Dwelling Unit – One room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.
12. Family – One or more persons occupying a premises and living as a single, nonprofit house keeping unit.

13. Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) the overflow of stream and river waters;
 - (b) the unusual and rapid accumulation of runoff of surface waters from any source.
14. Floodplain – A relatively flat or low area adjoining a river or stream, which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source. For the purposes of this Ordinance, the land subject to inundation by the 100-year flood, i.e. the 100-year floodplain.
15. Flood-proofing – Any combination of structural or nonstructural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.
16. 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.
17. Incidental Home Occupation – An occupation or profession carried on by the members of a family residing on the premises in connection with which here is no sign used; provided, however, that such use shall not noticeably increase traffic to, or significantly alter the outside appearance of the residence involved and that not over twenty (20) percent of the total actual ground floor area is used for the home occupations or professional services. Incidental home occupations shall be limited to the following uses only; professional or personal services in which no more than three clients or customers are served at a time; dressmaking and sewing, baking and catering, and instruction of music and educational courses.
18. Lot – A piece, parcel, or plot of land occupied or to be occupied by, buildings and accessory buildings and including the open spaces required under this Ordinance.
19. Lot, Corner – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.
20. Lot, Double Frontage – A lot having frontage on two (2) non-intersecting streets non-intersecting streets as distinguished from a corner lot.
21. Lot Lines – A boundary dividing a given lot from a street; and alley, or adjacent lots.

22. Lot of Record – A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or plat prior to the enactment of this Ordinance.
23. Lot Width – The width of a lot shall be determined by measurement across the rear of the required front yard; provided however, that the width between side lot lines at the points where they intersect the street shall no be less than eighty (80) percent of the required minimum lot width, except in the case of lots on the turning circle of cul-de-sac turn-a-rounds; a minimum street abutment distance of twenty-five (25) feet shall apply to cul-de-sac turn-a-rounds.
24. Nonconforming Use – A building, use of land, or combination of the two, which was lawful at the time of the enactment of this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.
25. One-Hundred Year Flood – A flood which has, on the average a 1-percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the “1-percent chance flood”.
26. Signs – Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word “sign” includes the word “billboard” or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit. A “ground sign” is a sign, including a billboard, which is supported by a pole, uprights or braces on the ground. (Amended 2/11/03)
27. Sign, Ground – Any sign including a billboard, which is supported by a pole, uprights, or braces on the ground.
28. Story – That portion of a building included between the upper-surface of any floor and the upper surface of the floor 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, the floor shall not be counted as a story.
- A. “Half Story”: A story under a sloping roof, the finished floor area which does not exceed one half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

29. Street – Any public or private way set aside for public travel twenty-one (21) feet or more in width. The word “street” shall include the words “road”, “highway”, and “thoroughfare”.
- A. “Street Line” – The property line, which bounds the right-of-way, set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.
- B. “Center Line of a Street” – The center of the surfaced roadway or the surveyed centerline of the street.
30. Substantial Improvement – Any repair, construction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvement, or (2) before the damage occurred. For the purposes of this Ordinance, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either (1) any project for improvement of the structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
31. Travel Trailer – A travel trailer, pick-up camper, converted bus, tent-trailer, tent or similar device used for temporary portable housing or a unit which can operate independent of connections to external sewer, water and electrical systems; contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or is identified by the manufacturer as a travel trailer.
32. Travel Trailer Park – Any plot of ground ten acres or more in size upon which two (2) or more travel trailers, occupied for temporary living purposes, are located, regardless to whether or not a charge is made for such accommodation.
33. Total Floor Area - The area of all floors of a building including finished attic, finished basements, covered porches and attached garages or carports.
34. Yard – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches 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.

35. Yard, Front – A yard extending between side lot lines across the front of a lot adjoining a street. The depth of required front yards shall be measured at right angles to a straight line joining the foremost point of the side lot, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the front and side lot lines would have met without such roundings. Front and rear front yard lines shall be parallel.
- A. “Double Frontage Lots or Corner Lots” – Unless the prevailing lot patterns indicate otherwise, front yards shall be provided on all frontages in accordance with the general regulations of the districts concerning minimum depth of front yards.
36. Yard, Rear – The yard extending across the rear of the lot between inner side yards. In the case of double frontage lots and corner lots, there will be no rear yards. The depth of a required rear yard shall be measured in such a width required by district regulations with its inner edge parallel with the rear lot line.
37. Yard, Side – A yard extending from the rear line of the required front yard of the rear lot line, or in absence of any clearly defined rear lot line to the point on the lot furthest from the intersection of the lot line involved with the street. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards. The width of a required side shall be measured in such a manner that the yard established is a strip or the minimum width parallel with the side lot line.

CHAPTER III

GENERAL PROVISIONS

For the purpose of this Ordinance there shall be certain general provisions, which shall apply to the city as a whole.

Section 3-100. 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 hereinafter provided.

Section 3-101. Continuance of Nonconforming Uses and Structures – It is the intent of this Ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety and welfare, as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of the Ordinance to administer the elimination of nonconforming uses, buildings, and structures, so as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings and structures existing at the time of the passage of this Ordinance or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. 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.
2. No existing nonconforming use or structure shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except as herein provided. Nonconforming commercial, business, or industrial uses created after the passage of Tennessee Acts of 1973, Chapter 279.1 shall be allowed to expand operations and reconstruct facilities which involve as actual continuance and expansion of activities of the business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such a business and that any construction improvements, or reconstruction shall be in conformance with the district requirements in which it is located. This provision shall not prohibit the replacement of mobile homes if replacement is accomplished within twelve (12) months of removal of the previous nonconforming mobile home.

3. Except as provided by Chapter 279-1 of the 1973 Tennessee Acts:
 - A. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this Ordinance. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Ordinance.
 - B. When a nonconforming use of any building or land has ceased for a period of twelve (12) months, it shall not be re-established or changed to any other nonconforming use.
 - C. Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before, if it is done within 12 months of such damage to the extent of more than seventy-five percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this Ordinance.
 - D. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this Ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

Section 3-102. Only One Principal Building On Any Lot.

1. Only one principal building and its customary accessory buildings may hereafter be erected on any lot. This provision does not prohibit multi-family developments as permitted in Section 5-100.2.C of this Ordinance.
2. No dwelling shall be erected on a lot, which does not abut at least one public street for at least fifty (50) feet and contain a minimum width of eighty-five (85) feet at the building setback line.

Section 3-103. Reduction in Lot Area Prohibited. No lot even though it may consist of one or more adjacent lots of record shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

Section 3-104. Rear Yard Abutting 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 for the street line, centerline of the street, or property line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of any zone boundary line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

Section 3-105. Off-Street Parking Requirements.

1. General. There shall be provided, at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zone, use, or occupancy to another, permanent off-street parking as specified in the Ordinance. Parking space maintained in connection with an existing and continuing principal building on the effective date of this Ordinance shall no be counted as serving a new building or addition; nor shall any parking space be substituted for a loading space, or vice versa.
2. Location -Off-street parking shall be located on the same lot, which it serves. If the parking cannot be reasonably provided on the same lot on which the principal use is conducted, the

Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within three hundred (300) feet of the main entrance to such principal use.

3. Size and Maneuvering Room - Each parking space shall be equal to an area of two hundred (200) square feet. The width shall not be less than ten (10) feet and the length shall not be less than twenty (20) feet. A minimum of four hundred square feet per parking space shall be used when computing parking area to include maneuvering space. Except for structures with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.
4. Access -Each parking space shall be directly assessable from a street or alley or form an adequate access aisle or driveway leading to or from a street or alley.
5. May Serve As Yard Space - Parking space may be included as part of the required yard space associated with the permitted use.

6. Number of Spaces of Specific Uses

- A. Dwelling units - two (2) spaces for each unit.
- B. Hotel, rooming or boarding house - one (1) space for each two (2) rooms or units to be rented.
- C. Hotel, tourist rooms, or tourist courts - One (1) space for each unit to be rented.
- D. Elementary school or junior high school - One space for each classroom, plus one space for each staff member and employee other than teachers plus (10) additional spaces. This provision is not applicable where parking spaces required for an auditorium is provided.
- E. Senior high school - One space for each classroom plus one space for each staff member and employee other than teachers, plus one space for each fifteen (15) students based on the capacity for which the building is designed. This provision is not applicable where parking space for an auditorium is provided.
- F. Stadium - One space for each ten (10) spectator seats.
- G. Hospital - One space for each three (3) beds intended for patient use, exclusive of bassinets.
- H. Any theaters, auditoriums, churches, or other public assembly - At least one space for each five (5) seats provided in such place of assembly. In places where seating is not a measure of capacity such as funeral parlors and clubhouses, at least one space for each 100 square feet of floor space devoted to the particular use shall be required.
- I. Public Utility Buildings - One (1) space for each employee.
- J. Banks and office buildings – One (1) square for each one hundred fifty hundred (150) square feet of total floor space.
- K. Bus and railroad terminals – One (1) space for each employee plus one space for each two hundred (200) square feet in the waiting room.
- L. Clinic – Three (3) spaces for each doctor plus one space for every two (2) employees.

- M. Automobile Service Station – Eight (8) spaces for each grease rack or similar facility plus one space for each pump,
- N. Out door or indoor retail business use not previously listed – One space for each one hundred sixty (160) square feet of total sales area, plus one space for r each two (2) employees.
- O. Wholesale and distribution uses – One space for each employee.
- P. Industrial and Manufacturing Use – Not less than one (1) space for each two (2) persons employed computed on the basis of total number of employees on the two largest consecutive shifts.

7. Off-Street Loading and Unloading Requirement.

- A. On the same premises with every structure or part thereof, involving the receipt or distribution if vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way.
- B. All spaces shall be laid out in the dimensions of at least ten by fifty (10x50) feet or five
- C. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance and shall be designed with appropriate means of truck access to a street or alley as well as adequate maneuvering area.
- D. The following ratio of spaces to floor area applies to all districts: One (1) space for loading and unloading for each 20,000 square feet of floor area.

Section 3-106. Obstruction to Vision at Street Intersection Prohibited. – In all districts, except C (General Commercial) on a corner lot, within the area by the centerlines of streets or street and railroad at a distance of one hundred (100) feet from their intersections, there shall be no obstruction to vision between a height of the and one-half (2 ½) feet and height of ten (10) feet above the average grade of each street or railroad at the centerline thereof. The requirements of this Section shall not be dement to prohibit any necessary retaining wall.

- 1. The Board of Zoning Appeals may reduce this requirement where safety conditions will not be required.

Section 3-107. 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

2. A point of access, i.e., a drive or other opening for vehicles onto a street not exceed thirty (30) feet in width.
3. No point of access shall be allowed within ten (10) feet of the right-of-way of any public street intersection or within thirty (30) feet of another access point on the same lot.
4. 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.

Section 3-108. Agricultural Uses – The provisions of this Ordinance shall not be construed as regulation the agricultural use of property within the Town of Gilt Edge. However, this provision shall not permit the establishment of commercial food lots or the erection of non-farm buildings including farm residential structures except in conformity with the provisions of this Ordinance.

Section 3-109. Signs (amended 2/11/03)

- A. Signs Hindering Traffic Prohibited - No sign shall be erected or maintained at any location where by reason of its position, working illumination, size, shape or color it may obstruct, impair, obscure or interfere with the view of, or be confused with, any authorized traffic control sign, signal or device. No sign shall contain or make use of any work, phrase, symbol, shape, form or character in such a manner as to interfere with or confuse traffic.
- B. Privately Owned Signs Prohibited in Public Right-of-Way – No sign shall be placed in any public right-of-way, except publicly owned signs.
- C. Publicly Owned Signs – Publicly owned signs, such as traffic control signs and directional signs are allowed in all districts.

- D. Certain Electrical Signs – No signs having flashing, intermittent, or animated illumination shall be erected or permitted within three hundred (300) feet of property in districts permitting residential uses unless such sign is not visible from such property. No illuminated sign shall be permitted within fifty (50) feet of property in all residential districts unless the illumination of such sign is so designated that it does not shine or reflect light on such property.
- E. Ground Signs – No ground sign shall be located closer than ten (10) feet to a street right-of-way unless such sign is at least ten (10) feet above the ground and supporting members only incidentally obstruct vision under the sign.

Section 3-110 Cellular Communication Towers (amended 2/11/03)

- A. All cellular communication towers require site plan approval through the Planning Commission. The site plan shall show and include the location of all portions of the use of the property for the tower including the compound, concrete equipment pads, fencing, easements, fall zone and any other additional requirements otherwise required in the Gilt Edge Zoning Ordinance.
- B. All cellular communication towers require a fall zone, free and clear of any structures or property lines, ten (10) feet greater than the height of the tower.
- C. A continuous permanent easement shall be provided of no less than fifteen (15) feet in width at any point from a county approved road to the compound area. This easement shall be permanent in nature until such time that the tower and compound equipment have been completely removed from the property.
- D. A building permit shall be required before any construction of any tower begins. To obtain a building permit, applicant must obtain site plan approval, a copy of the FAA Letter of Approval and a copy of the lease agreement with the current landowner.

CHAPTER IV

ESTABLISHMENT OF DISTRICTS

Section 4-100. Classification of Districts.

1. For the purpose of this Ordinance, the Town of Gilt Edge, Tennessee, is hereby divided into four (4) districts, designated as follows:

- R (Residential)
- C (General Commercial)
- I (Industrial)
- F-H (Flood Hazard District)

Section 4-401. Boundaries of Districts.

1. The boundaries of districts are hereby established as shown on the map entitled “Zoning Map of Gilt Edge, Tennessee”, which is a part of this Ordinance and which is on file in the City Hall of the Town of Gilt Edge.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the centerlines of streets or alleys, railroad rights-of-way, or the corporate limit lines, as they existed at the time of the enactment of this Ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot as existing at the time this 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 which is not more than twenty (20) feet within the more restricted district.

CHAPTER V

PRIVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 5-100. RESIDENTIAL DISTRICTS. Within the R-Districts as shown on the Zoning Map of Gilt Edge, Tennessee, the following regulation shall apply:

1. Uses Permitted

- A. Single-family dwellings.
- B. Two family dwellings.
- C. Accessory buildings customarily incidental to any aforementioned permitted use.
- D. Mobile Homes on individual lots.
- E. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lines and the street rights-of-way.
- F. Roadside stands or signs limited to eight (8) square feet in area advertising or displaying the sale of farm produce raised on the same property.
- G. Cellular Communication Towers (Amended 2/11/03)

2. Uses Permissible on Appeal

Churches and other places of worship, day care facilities, schools offering general education courses, public parks and public recreational facilities, railroad rights-of-way, essential services, cemeteries, nursing homes, public uses, provided; however, that such uses shall not be permitted except with 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 preserve and protect the character of the district in which the proposed use is located.

- A. Customary incidental home occupations provided that no, building permit or certificate of occupancy for such use shall be issued without 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 and preserve the character of the neighborhood in which the proposed use is located; and then provided further that:

1. The proposed use shall be located and conducted in the principal building only;
2. The persons engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located;
3. Not more than twenty (20) percent of the total floor area in the dwelling unit shall be devoted to the proposed use;
4. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;
5. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way;
6. The proposed use shall no be advertised by the display of goods or signs on the lot on which the proposed use is located.

B. Roadside Stands for the Sale Of Items Other than Farm Produce Raised on the Same Property- The following is subject to review and approval by the Board of Zoning Appeals for a special exception, subject to the minimum conditions required herein are met. (Amended 2/11/03)

1. A site plan of the proposed stand and all accessory structures and parking shall be presented at the time of proposal.
2. No more than twenty-five (25%) of the total area proposed for this use shall be used for products other than farm produce raised on the same property.
3. The total area proposed for this use shall not exceed twenty thousand (20,000) square feet in area.
4. The persons engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
5. The proposed use shall not constitute primary or incidental storage facilities for a business or industrial activity conducted elsewhere.
6. Signs shall be limited to eight (8) square feet in area for advertising.
7. The products, other than farm produce raised on the same property, shall be consistent with agricultural activities.
8. Must have a farm and raising crops for sale on the property.
9. And any other requirements which, in the opinion of the Board of Zoning Appeals or the Planning Commission, would be required to protect the safety and general welfare of the surrounding area.

C. Multi-Family Dwellings- The following is subject to review and approval by the Board of Zoning Appeals for a special exception, subject to the minimum conditions required herein are met. (Amended 2/11/03)

1. A site plan of the proposed dwelling(s) and all accessory structures and parking shall be presented at the time of proposal to the Board of Zoning Appeals and the Planning Commission for approval.
2. A minimum of (one-half) 1/2 acre is required per dwelling unit, with a total minimum of two (2) acres.
3. And any other requirements which, in the opinion of the Board of Zoning Appeals or the Planning Commission, would be required to protect the safety and general welfare of the surrounding area.

3. Uses Prohibited

- A. Any use not specifically permitted or permissible on appeal in this Section.
- B. Advertising signs and billboards except those specifically permitted under Section 5-100 of this Ordinance.

4. Side yard on Corner Lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet on the side street.

5. Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

6. Building Area. On any lot the area occupied by all buildings including accessory shall not exceed thirty (30) percent of the total area of the lot.

7. Location of Accessory Buildings

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

8. Required Lot Area, Lot Width, and Yards

Minimum required lot area: single family dwelling	$\frac{3}{4}$ acre or more if required by the health department
Minimum required lot area: Two family dwelling	1½ acre
Minimum required lot width at the Building line.	85 ft.
Minimum required front yard.	40 ft.
Minimum required rear yard.	20 ft.
Minimum required side yard	
1 or 2 stories	15 ft.
3 stories	20 ft.

CHAPTER VI

PROVISIONS GOVERNING BUSINESS DISTRICTS

Section 6-100. C (General Commercial) Districts. Within the C (General Commercial) Districts as shown on the Zoning Map of Gilt Edge, Tennessee, the following regulations shall apply: (Note: Uses Permitted are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads).

1. Uses Permitted

(a) WHOLESALE TRADE

1. Motor vehicles and automotive equipment
2. Drugs, chemicals and allied products
3. Dry goods and apparel
4. Groceries and related products
5. Farm products (raw materials)
6. Electrical goods
7. Hardware, plumbing, heating equipment and supplies
8. Machinery, equipment and supplies
9. Other wholesale trade excluding petroleum bulk stations and terminals, scrap and waste materials, and beer, wine, and distilled alcoholic beverages.

(b) RETAIL TRADE

1. Building materials, hardware, and farm equipment
2. General Merchandise
3. Food
4. Automotive, marine craft, aircraft and accessories
5. Apparel and Accessories
6. Furniture, home furnishings, and equipment
7. Other retail trade excluding liquor

(c) SERVICES

1. Finance, insurance, and real estate services
2. Personal services
3. Business services excluding warehousing and storage services
4. Repair services
5. Professional services
6. Contract construction services
7. Governmental services
8. Educational services
9. Miscellaneous services

- (d) CULTURAL ACTIVITIES
- (e) PUBLIC ASSEMBLY
- (f) AMUSEMENTS
- (g) RECREATIONAL ACTIVITIES
- (h) PARKS
- (i) VETERINARIAN AND ANIMAL HOSPITAL SERVICES
- (j) TRANSIENT LODGING
- (k) ANY ACCESSORY USE OR BUILDING CUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USE.
- (l) BILLBOARDS AND SIGNS (Amended 2/11/03)
- (m) CELLULAR COMMUNICATION TOWERS (Amended 2/11/03)

2. Uses Permissible on Appeal

NONE

3. Uses Prohibited

Any use not expressly permitted in this Section.

4. Required Lot Area, Lot Width, Yards and Setbacks

Buildings hereafter constructed shall be so located as to comply with the following minimum requirements:

- A. A front yard of fifty (50) feet shall be required.
- B. A rear yard of twenty (20) feet shall be required.
- C. A side yard of ten (10) feet shall be required.
- D. Gasoline pumps and pump islands shall be set back a minimum of twenty-five (25) feet from the street right-of-way.
- E. On lots adjacent to a residential district, all buildings shall be so located as to comply with the yard requirements of the adjacent residential district.
- F. The minimum lot size shall be one (1) acre.

CHAPTER VII

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

Section 7-100. (Industrial Districts). Within the I (Industrial) Districts, as shown on the Zoning Map of Gilt Edge, Tennessee the Following regulation shall apply:

(Note: Uses Permitted are based on land use codes of the Standard Land Use Coding Manual, January 1965, prepared by Urban Renewal Administration, Housing and Home Finance Agency, and the Bureau of Public Roads).

1. Uses Permitted

- (A) APPAREL and other finished products (except leather tanning and finishing).
- (B) FURUNITURE AND FIXTURES
- (C) PAPER and ALLIED PRODUCTS-MANUFACTURING (limited to converted paper and paperboard products, paperboard containers and boxes, building paper and building board)
- (D) PRINTING, PUBLISHING, and ALLIED INDUSTRIES
- (E) STONE, CLAY, AND GLASS PRODUCTS
- (F) MISCELLANEOUS MANUFACTURING
- (G) COMMUNICATION
- (H) UTILITIES
- (I) OTHER TRANSPORTATION, COMMUNICATION, AND UTILITIES
- (J) WAREHOUSING and STORAGE SERVICES (limited to household goods, warehousing and storage, general warehousing and storage)
- (K) ANY ACCESSORY USE OF BUILDING COUSTOMARILY INCIDENTAL TO THE ABOVE PERMITTED USE.
- (L) AGRICULTURAL RELATED ACTIVITIES
- (M) BILLBOARDS AND SIGNS (Amended 2/11/03)
- (N) CELLULAR COMMUNICATION TOWERS (Amended 2/11/03)

2. Uses Permissible on Appeal

NONE

3. Uses Prohibited

Any use not expressly permitted in this Section.

4. Required Lot Area, Lot Width, and Yards

A. All buildings and structures shall be located so as to comply with the following minimum requirements:

Minimum required front yard	50 ft.
Minimum required rear yard	20 ft.
Minimum required side yard	
On each side	20 ft.

B. No yard shall be required for that part of a lot which fronts on a railroad siding.

C. Gasoline pumps and pump islands shall be set back a minimum of twenty-five (25) feet from the street right-of-way.

D. The minimum lot size shall be one (1) acre.

CHAPTER VIII

PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS

Section 8-100. Statement of Purpose

A. General Purposes of Flood Hazard Districts

The flood hazard district is established to regulate the use of lands known to experience periodic flooding so as to minimize flood damages. The flood Hazard District shall serve as an “overlay” district, which will not change the original zoning of the affected properties, but rather will add restrictions designed to reduce flood damage and protect the integrity of the flood district. Boundaries have been determined in accordance with flood hazard boundary maps provided by the Federal Flood Insurance Agency. Flood Hazard District boundaries shall be superimposed on the Gilt Edge Zoning Map. As better data becomes available, boundaries may be changed in accordance with established amendment procedures.

The Flood Hazard District is designed to promote and protect the health, safety, morals, convenience, order, prosperity and other aspects of the general welfare. These general goals include, among others, the following purposes:

- (1) To permit certain non-intensive uses in areas which are subject to periodic flooding;
- (2) To prohibit the development of uses vulnerable to flood damage within flood hazard areas, except where adequate measures are taken at the time of initial construction to prevent damage from flooding;
- (3) To prevent any encroachment into the watercourse channel, which would increase, flood height and flood damage.

Section 8-101. FH-Flood Hazard District

A. Uses and Structures

(1) Principal Permitted Uses and Structures

Within the Flood Hazard Districts as shown on the Gilt Edge Zoning Map, those activities, which are allowed in the underlay zones, shall be permitted.

(2) Permitted Accessory Uses and Structures

Within the Flood Hazard Districts as shown on the Gilt Edge Zoning Map, those activities, which are allowed in the underlay zones, shall be permitted.

(3) Prohibited Uses

Within the Flood Hazard Districts as shown on the Gilt Edge Zoning Map, those activities, which are prohibited in the underlay zones, shall be prohibited.

B. Standards for Structures

Within the Flood Hazard Districts, the following provisions are required:

(1) Elevations

All mobile home to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the mobile home is at or above the base flood elevation.

(a) Adequate surface drainage and access for a hauler shall be provided

(b) In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for pilings more than six (6) feet above ground level.

(2) Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties to ground anchors. Specific requirements include:

(a) Over-the-top ties at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate location on mobile homes fifty (50) feet or greater in length (a total of eight (8) ties are required). and one (1) additional tie per side on mobile homes less than fifty (50) feet in length (a total of six (6) ties are required).

(b) Frame ties at each of the four (4) corners of the mobile home, with five (5) additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length is total of fourteen (14) ties are required), and four (4) additional ties per side on mobile homes less than fifty (50) feet in length (a total of twelve (12) ties are required).

(c) All components of the anchoring system be capable of carrying a force of 4800 pounds; and

(d) Any additions to the mobile home be similarly anchored.

(3) Construction Materials and Methods

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (c) All new construction or substantial improvements that have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Utilities

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (b) All new and replacement water sanitary sewage systems shall be designed to minimize or eliminate infiltration to them or contamination from them during flooding.
- (c) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Electrical, heating, ventilation, plumbing, and 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.

(5) Encroachments

Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited in any floodway unless a technical evaluation by a professional engineer or architect demonstrates that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(6) Residential Construction

New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(7) Non-residential Construction

New construction and substantial improvements of any non-residential structure either shall have the lowest floor, including basement, elevated to or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (a) Be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph.

C. Flood Hazard Site Plan Review

In addition to any Site Plan, which may be required by the provisions of the underlay zone, for all proposed development within the FH Districts, prior to issuance of a building permit, a Flood Hazard Site Plan shall be submitted to the Planning Commission. The Flood Hazard Site Plan shall conform to the following requirements:

1. Be drawn to a scale of 1"=100';
2. Include the following:
 - (a) A survey, certified by a registered land surveyor showing property boundary lines and dimensions, and the gross land area of the site;
 - (b) The elevations of the lot.
 - (c) Location, size and arrangement of existing and proposed buildings.
 - (d) Fill, storage of materials, and drainage facilities.
 - (e) Elevation in relation to mean sea level of the lowest floor, including basement, of all structures.

- (f) Elevation in relation to mean sea level to which any non-residential structure has been flood-proofed.
- (g) A certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the good-proofed criteria in subsection (B) (7) of this section.
- (h) A certificate from a licensed civil engineer certifying the extent to which any water course will be altered or relocated as a result of the proposed development; and
- (i) A certificate from a licensed civil engineer certifying that the plan as shown is true and correct;
- (j) A form for certificate of approval by the Secretary of the Planning Commission; and
- (k) The Building Inspector may make other reasonable requirements for information when necessary.

The Planning Commission shall determine if the proposed development adversely affects the flood-carrying capacity of the flood plain. "Adversely affects" means increases the likelihood of damage to adjacent properties because of rises in flood stages as a result of physical changes of the channel and the adjacent over-bank areas.

If the Planning Commission determines that there is no adverse effect, and development is not a building, then the Planning Commission shall recommend approval of the Flood Hazard Site Plan without further consideration. If the Planning Commission determines that there is an adverse effect, then technical justification (i.e. a registered professional engineering analysis) for the proposed development shall be required. If the proposed development is a building, then the provisions of this Ordinance shall apply.

The recommendation of the Planning Commission shall be forwarded to the Board of Mayor and Aldermen provided that, where conditions have been required of the applicant, which are to appear on the application such changes, as required by the Planning Commission, shall have been made.

D. Other Requirements

(1) Notification of Alteration of Watercourse

Prior to any alteration or relocation of a watercourse, the Town of Gilt Edge shall notify adjacent communities and submit evidence of such notification to the Federal Insurance Administration.

(2) Maintenance of Altered Watercourse

Subsequent to any alteration or relocation of a watercourse, the Town of Gilt Edge shall require that maintenance is provided within the altered or re-located portion of the watercourse so that the flood-caring capacity is not diminished.

E. Conflict with Other Provisions

The requirements of the Flood Hazard district are additional to those contained in the underlying zoning districts.

Where any conflicts exist between the provisions of this Section and any other provisions of this Ordinance and any other Ordinance, code, law of the Town of Gilt Edge, these provisions shall govern; provided, however, that those provisions shall not be construed as permitting any use which is prohibited within the underlying zoning district.

F. Interpretation of District Boundaries

Where interpretations needed as to the exact location of any boundary relating to the Flood Hazard District, the Board of Zoning Appeals shall make the necessary interpretation. The persons contesting the location of the district boundary shall be afforded reasonable opportunity to present any technical evidence he may wish in order to support his position.

G. Liability

Larger floods may occur or flood heights may be increased by manmade or natural causes. This Ordinance does not imply that areas outside FH Districts or land uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Gilt Edge of any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision lawfully made there under.

H. Additional Duties and Responsibilities of Building Inspector

In addition to other duties and responsibilities set forth in this Ordinance, the Building shall:

- (a) Advise the applicant or permitted that federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the building inspector.
- (b) Submit copies of notifications to adjacent communities and the Tennessee Local Planning Assistance Office, as required in subsection (D) (1) of this section, of a proposed alteration or relocation of any watercourse.
- (c) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structure
- (d) Verify and record the actual elevation, in relation to mean sea level, to which new or substantially improved structures have been flood-proofed.
- (e) In the designated Flood Hazard District, where base flood elevation data has not been provided, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from federal, state, or other sources, in order to administer the applicable provisions of this Chapter.
- (f) Notify, in writing, applicants for variance within F-H (Flood Hazard) Districts 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.

CHAPTER IX

EXCEPTION AND MODIFICATIONS

Section 9-100. Lot of Record. Where the owner of a lot of official record at the time of this adoption of this Ordinance does not own sufficient land to enable his to conform to the yard or other requirements of this Ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Ordinance, in accordance with Section 11-103.3 Chapter XI.

Permission to use such lot as a building site may be granted, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board of Zoning Appeals.

1. **Minimum Size.** In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than fifty (50) feet and whose total lot area is less than three thousand five hundred (3,500) square feet.
2. **Adjoining Substandard Lots of Record.** Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

Section 9-101. Set Back Line. The setback requirements of this Ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such case, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred feet. In residential districts, however, the setback shall in no case be less than twenty (20) feet from the center- line of the streets.

Section 9-102. Exceptions on Height Limits. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts and aerials.

CHAPTER X

ENFORCEMENT

Section 10-100. Enforcing Officer. The provisions of this Ordinance shall be enforced by a building inspector, appointed by the Board of Mayor and Aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

Section 10-101. Building Permits and Certificates of Occupancy.

1. Building Permit Required. It shall be unlawful to commence the excavation for the construction of any building, including accessory building, or to commence the moving or alteration of any building, including accessory buildings until the Building Inspector has issued a building permit for such work.
2. Issuance of Building Permits. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size and location on the lot to be built upon; the shape, size, height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions are being observed. If the proposed excavation or construction, as set forth in the application is in conformity with the provisions of this Ordinance and other ordinances of the Town of Gilt Edge then in force, the Building Inspector shall issue a building permit for such excavation or construction upon payment of the required fee as established by the Mayor and Board of Aldermen. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause. Building permits must be used within six (6) months after the permit is issued. If no substantial progress on construction has been made six (6) months after the permit is issued, the permit is expired.
3. Certificate of Occupancy. Upon the completion of the construction or alteration of a building for which a building permit has been granted, application shall be made to the Building Inspector for a certificate of occupancy. Within three (3) days of such application, the building inspector shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this Ordinance and the statement made in the application for the building permit. If such certificate is refused, the building inspector shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted.

Section 10-102. Penalties. Any person violating and provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation continues constitutes a separate offense.

Section 10-102. Remedies. In case any building, structure or land used, erected, constructed, reconstructed, repaired, converted or maintained in violation of the Ordinance, the building inspector or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation in addition to other remedies may institute injunction mandamus or other appropriate action or proceedings to prevent the occupancy or use of such building.

CHAPTER XI

BOARD OF ZONING APPEALS

Section 11-100. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members. They shall be appointed by the chief executive officer of the city and confirmed by a majority vote of the Board of Aldermen. The term of membership shall be three (3) years, except that the initial individual appointments to the Board shall be terms of one (1), two (2) and three (3) years respectively. Vacancies shall be filled for any un-expired term by appointment by the chief executive officer and confirmation by the Board of Mayor and Aldermen.

Section 11-101. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedures and shall keep records of applications and action thereon, which shall be a public record.

Section 11-102. Appeals. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by a governmental officer, department, board or bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appeals, was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within fifteen (15) days from the date of the hearing. Upon the hearing, any person or party may appear and be heard in person or by agent or attorney. In all cases where an appeal is made by a property owner or other interested party, a fee as established by the Mayor and Board of Alderman plus the cost of publishing a notice of such hearings shall be paid by the applicant.

Section 11-103. Power. The Board of Zoning Appeals shall have the following powers:

1. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this Ordinance, and for interpretation of the Zoning Map or Ordinance.
2. **Special Exceptions.** To hear and decide applications for those exceptions which the Board of Zoning Appeals is specifically authorized to act upon in section 3-105.2, 3-104., 5-100.2., 6-100.2., 7-100.2 and 8-100.

3. Variance. To hear and decide applications for variance from the terms of this Ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific place of property which at the time of the adoption of this Ordinance was a lot of record; or where by reason of exceptional situation or condition of a piece of property, strict application of the provisions of this Ordinance would result in practical difficulties to, or undue hardship upon, the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance, may attach thereto conditions regarding the location, character, and other features or the proposed building, structure, or use.

Before any variance is granted it shall be shown that circumstances are attached to the property, which do not generally apply to other property in the neighborhood.

4. The Board of Zoning Appeals shall not have the power to permit a use prohibited by this Ordinance, have the power to expand a nonconforming use, or have the power to subdivide land.

CHAPTER XII

AMENDMENT

Section 12-100. Zoning Amendment Petition. The Board of Mayor and Aldermen of Gilt Edge, Tennessee, may amend the regulations, boundaries, or any provision of this Ordinance. Any member of the board of Mayor and Aldermen may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting as amendment or amendments to this Ordinance.

Section 12-101. Planning Commission Review. No amendment shall become effective until it is first submitted to and approved or disapproved by the Tipton County Planning Commission. If the proposed amendment is disapproved by the Planning Commission is shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to make such amendment effective. If the Tipton county Planning Commission does not approve or disapprove an amendment, which has been submitted for their review within thirty (30) days after such submission, the failure to act on such amendment shall be deemed approval.

Section 12-102. Public Hearing on Proposed Amendment. Upon the introduction of an amendment to this Ordinance or upon the receipt of petition to amend this Ordinance, the board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Gilt Edge, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of notice. A fee equal to the cost of publication of notice of such hearing shall be collected by the Town of Gilt Edge from any party or parties entering a petition for amendment.

CHAPTER XIII

LEGAL STATUS PROVISIONS

Section 13-100. Conflict with Other Ordinances. In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future ordinance of the Town of Gilt Edge, the most restrictive shall in all cases apply.

Section 13-101. Validity. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance, which is not of itself invalid or unconstitutional.

Section 13-102. Effective Date. This Ordinance shall take effect and be in force immediately after adoption, the public welfare demanding it.

Certified by Planning Commission. _____

Passed on First Reading: _____

Passed on Second Reading: _____

Attest:

City Recorder

Mayor