

ZONING ORDINANCE

GILT EDGE, TENNESSEE

ADOPTED: June 8, 2010

PREPARED FOR THE

GILT EDGE BOARD OF COMMISSIONERS

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The Tipton County Regional Planning Commission

AMENDMENT INDEX

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Ordinance #

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CHAPTER I

ENACTMENT

Section 1-100. Authority

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.

Section 1-101. Title

This Ordinance (Ordinance #37) 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.

Section 1-102. Enactment

WHEREAS, Section 13-7-101 through 13-7-401, of the Tennessee Code, empowers the City to enact a Zoning Ordinance (Ordinance #37) and to provide for its administration, enforcement, and amendment, and

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

WHEREAS, all requirements of Section 13-7-101 through 13-7-401, of the Tennessee Code, with regard to the preparation of the Zoning Plan by the Tipton County Regional Planning Commission and subsequent action of the Gilt Edge Board of Commissioners have been met.

NOW, THEREFORE, Be It Enacted by the Board of Commissioners of Gilt Edge, Tennessee as follows:

Section 1-103. Purpose

This ordinance has been designed to lessen congestion in the streets, 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. Scope

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

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

Section 2-101. Definitions

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definition or such as the context may imply. Definitions pertaining to flood hazards are contained in the Floodplain Zoning Ordinance, adopted November 15, 2006.

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

Accessory Building - A subordinate building, the use of which is incidental to that of the principal building and located on the same lot therewith. An accessory building shall not include any mobile home units (single or double-wides).

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

Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting, describing of "Specific Sexual Activities" or "Specified Anatomical Areas".

Adult Bookstore or Adult Video Store - An establishment having as its principal business purpose the sale or rental of books, films, video cassettes or any other kind of video tape or any other form of electronic media, or magazines and other periodicals, or adult paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as below.

Adult Entertainment - Any exhibition of any adult-oriented motion picture, live performance display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of "Specified Sexual Activities", including removal of articles of clothing or appearing unclothed.

Adult Motion Picture Theater - An enclosed building regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined, for observation by patrons, therein.

Adult-Oriented Establishment - Includes, but is not limited to, Adult Bookstores or Adult Video Stores, Adult Motion Picture Theaters, Adult Arcades, Adult Theaters or Cabarets, and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An Adult-Oriented Establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

Adult Theater or Adult Cabaret - A theater, nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

- A. Live performances, displays, or dances which have as their dominant theme or are distinguished or characterized by an emphasis on any actual or simulated "Specified Sexual Activities" or "Specified Anatomical Areas", or the removal of articles of clothing or appearing partially or totally nude, or
- B. Films, motion pictures, video cassettes, slides, or other video or photographic reproductions which are characterized by the depiction of "Specified Sexual Activities" or "Specified Anatomical Areas".

Advertising - Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences, or other manmade structures.

Advertising Sign or Structure - See Sign.

Agricultural Accessory Use - Those structures or equipment that are normally required in the operation of agricultural uses.

Agricultural Use - This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, however, all health codes of Tipton County, Tennessee, are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, riding stables, livery or boarding stables or dog/cat kennels be so considered.

Alley - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to properties otherwise abutting a street, and which may be used for public utility and public service purposes and is less than twenty (20) feet in width.

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

Alternative Tower Structure – 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.

Antennas – Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

Apartment Dwelling - See "Dwelling - C"

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

Automobile Storage – The placement of any vehicle that is not currently operable, licensed or registered.

Automobile Wrecking, Junk, and Salvage Yards - Any establishment or place of business, exposed to the weather, where motor vehicles of any kind, incapable of being operated, are maintained, used or operated for storage, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

Average Ground Elevation - The elevation of the mean finished grade at the front of a structure.

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

Bed and Breakfast Inn – An operator- or owner-occupied home that provides three (3) to ten (10) rooms for paying guests on an overnight basis for periods not to exceed fourteen (14) days with one (1) daily meal being available on the premises. Bed and breakfast inns are subject to approval by the Tennessee Department of Health in addition to all local regulatory requirements.

Board - The Gilt Edge, Tennessee Board of Zoning Appeals.

Boarding House - See "Dwelling - E".

Buffer Strip - A greenbelt planted strip that is not less than ten (10) feet in width. The greenbelt strip shall be composed of one (1) row of evergreen trees that are spaced not more than twenty (20) feet apart. In addition, there shall be not less than two (2) rows of shrubs or hedges that are spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet, or some other form of an aesthetically designed buffer that will conceal from view an adjoining lot or district.

Buildings - Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes and similar structures whether stationary or movable.

Building Area of a Lot - That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

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

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

Building Setback Line, Front - A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line and the front of a building on lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

Building Setback Line, Rear - A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

Building Setback Line, Side - A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

Bulk – Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

Business and Communication Services - The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets, and small reports.

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

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.

Cemetery - Any land or structure dedicated to and used, or intended to be used, for interment of human remains. Cemetery refers to all types of cemeteries, public or private, except family burial grounds.

Certificate of Occupancy - A written statement or certificate issued by the Building Inspector indicating that the land, structure or part thereof is found to be in conformity with the provisions of this ordinance.

Clinic - See Medical Facilities.

Commercial Feed Lot - Business of feeding or fattening livestock for slaughter in a confinement facility designed or used to feed or fatten fowl, poultry and other livestock. Density considerations for commercial feed lots are as follows: cattle, emus, horses or mules > 10/acre; hogs, sheep or goats > 20/acre; chickens > 100/acre.

Condominium - A form of ownership that provides single ownership in a multi-unit structure or structures with common elements.

Convenience Sales - The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

Convenience Services - Services that are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats.

Coverage - The lot area covered by all buildings located therein, including the area covered by all overhang roofs.

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

Day Care Center - Any place, home, or institution, which receives thirteen (13) or more unrelated children under seventeen (17) years of age for general care, exercise, play or observation for less than twenty-four (24) hours per day without transfer of custody.

Day Care Group – Any place, home, or institution which receives eight (8) through twelve (12) children under seventeen (17) years of age for general care, exercise, play or observation only present before and after school, on school holidays, on school snow days, and during school summer vacation for less than twenty-four (24) hours per day without transfer of custody.

Day Care Home (Family) – Includes day care in an occupied residence of not more than seven (7) children under seventeen (17) years of age for less than twenty-four (24) hours per day without transfer of custody, including children living in the home.

Development - Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities, as defined by this ordinance are not included in this definition of development.

Development Permit - Defined as a permit issued by the Planning Director for a proposed use of land or structure, or the alteration of land or a structure, or the location or erection of a structure after having been found to be in conformity with the provisions of the Zoning Ordinance of Gilt Edge, Tennessee.

District - Any section or sections of the area lying within the corporate limits of Gilt Edge for which the ordinance governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

- A. **Residential District** – Property zoned for Agricultural or Residential Uses (R).
- B. **Non Residential District** – Property zoned for Commercial and Industrial Uses (C).

Duplex Dwelling - See " Dwelling - B".

Dwelling - A building or part thereof used for habitation under one of the following categories:

- A. Single Detached Dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- B. Duplex Dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
- C. Apartment Dwelling means a building and accessories thereto principally used, designed, or adapted for use by three (3) or more households, each of which has separate living quarters.
- D. Rooming House means a dwelling or other residential structure in which lodging facilities are supplied for people over an extended period of time and distinguished from a tourist home.
- E. Boarding House means a building other than a hotel or motel where, for compensation and arrangement, meals and lodging are provided for three (3) or more persons, but not exceeding twenty (20) persons.

- F. Town House means a residential structure containing three or more single non-detached dwelling units separated by a common vertical wall.
- G. Multi-Family means more than one dwelling unit per structure.
- H. Prefabricated (Modular) Dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to public or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.
- I. Manufactured "Mobile" Home or "Trailer" means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of a mobile home.

Enforcing Officer - The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

FAA – Federal Aviation Administration.

Family - One or more persons related by blood, marriage or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling or group use. A family shall not be deemed to include domestic servants employed by said family.

Family Burial Grounds - A zoned lot in private ownership that may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members.

FCC – Federal Communications Commission.

Financial, Consulting and Administrative - Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this ordinance.

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

Garbage - Food waste, animal waste, dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food.

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

Governing Authority – Governing authority of the Town.

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

Group Home for Physically or Mentally Handicapped Persons:

- A. **Major** means a dwelling shared by nine (9) or more handicapped persons, plus resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.
- B. **Minor (See Family)** means a dwelling shared by eight (8) or less handicapped persons, plus two (2) resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used in both definitions, the term “handicapped” shall mean having:

- (1) A physical or mental impairment that substantially limits one (1) or more of such person’s major life activities so that such person is incapable of living independently;
- (2) A record of having such impairment; or
- (3) Being regarded as having such an impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Health Department - The Tipton County Health Department.

Height – When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Height of Buildings or Structures - The vertical distance from the average ground elevation or finished grade at the building line, to the highest point of the building or structure.

Home Occupation - See Section 4.040.

Hospital - See Medical Facilities.

Incidental Home Occupation – An occupation or profession carried on by the members of a family residing on the premises in connection with which there 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-five (25) 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.

Inoperable Motor Vehicle - Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building.

Junk - Rubbish and wasted or discarded items, including metal, wood, paper, glass and other objects and, including junk motor vehicles. The term shall not include items held for sale in a business establishment that holds a valid Tennessee Business License.

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

Kennel – A kennel is a shelter for the breeding, boarding or training of dogs and/or cats.

Landscapeing – The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

Light Industry - Is defined, for the purpose of this ordinance, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gasses, glare and heat, and of the creation of hazards to health and life by reason of fire, effects of industrial waste, psychological effects and generation of motor vehicle traffic.

Litter - Particles of items of trash, rubbish, wastepaper, or garbage lying or scattered about.

Loading Space - An area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

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

- A. **Corner Lot** - A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.
- B. **Double Frontage Lot** – A lot having frontage on two (2) non-intersecting streets non-intersecting streets as distinguished from a corner lot.
- C. **Interior Lot** - A lot other than a corner lot.
- D. **Lot Area** - The total surface land area included within the lot lines.

- E. **Lot Depth** - The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.
- F. **Lot Frontage** - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.
- G. **Lot Lines** - The boundary dividing a given lot from the street, and alley, or adjacent lots.
- H. **Lot Width** - The width of a lot at the building setback line measured at right angles to its depth.

Lot of Record - A lot that is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds prior to the effective date of this zoning ordinance and/or any previously adopted Zoning Ordinance or amendment to the Zoning Ordinance that may apply.

Marina - A facility for the docking and servicing of boats.

Medical Facilities:

- A. **Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- B. **Dental Clinic or Medical Clinic** - A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.
- C. **Hospital** - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.
- D. **Public Health Center** - A facility utilized by a health unit for the provision of public health services.

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

Mini-Storage Facilities - An enclosed storage facility of a commercial nature containing independent, fully enclosed and secured bays that are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured and shall not be used for habitable space not commercial activity, and shall be maintained and free from debris. There shall be no storage of flammable or other hazardous materials in such a facility.

Mobile Home - See "Dwelling - I".

Mobile Home Park - A lot or tract of land not subdivided upon which three (3) or more manufactured or mobile homes, occupied for dwelling or sleeping purposes, are located.

Multi-Family Dwelling - See "Dwelling - G".

Night Club - An eating and drinking establishment, with or without alcohol, in daytime or nighttime that includes entertainment such as live music, dancing, sports viewing and the like.

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

Noxious Matter – Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

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

Out-Parcel – A parcel of land, generally located on the perimeter of a larger parcel of land that is subordinate to the larger parcel typically for access, parking and drainage purposes. An out-parcel is typically a non-buildable lot and shall be labeled as such.

Owner - Includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary, or person, having a vested interest in the property in question.

Parking Lot - An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access.

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

Permanent Easement - The right granted by the owner of land to another party by deed or description, to allow access across one parcel of land to another.

Planning Commission - The Tipton County Regional Planning Commission.

Plat - A map, plan, or layout indicating the location and boundaries of individual properties.

Prefabricated Dwellings - See “Dwelling – H”.

Principal Structure – A structure in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure shall be deemed part of the principal structure. Awnings, porches, patios or similar attachments shall be deemed a part of the principal structure and having to meet all yard requirements.

Principal Use - The specific primary purpose for which land or a building is used.

Private Wastewater Treatment - Individual subsurface sewage disposal system (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of waste water, as approved by the local Health Department.

Professional Office - The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or other similar professions.

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

Public Wastewater System - A municipal or county, community, or utility district sewerage treatment and disposal system of a type approved by the State Department of Health and Environment.

Public Water - A municipal or county, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment.

Recreation:

- A. **Public Recreation** - A recreational facility operated by a local, state or federal agency.
Example: Federal, state and local parks.
 - (1) **Admittance** - Open to the general public.
 - (2) **Requirement** - Must comply with all local zoning codes and applicable building codes.
 - (3) **Where Allowed** - In an R Zoned District as Uses Permitted.
- B. **Private Recreation** - A recreational facility operated by a nongovernmental entity.
Example: But not limited to: golf courses, private clubs, civic and community clubhouses, etc.
 - (1) **Admittance** - Can be restricted by operator.
 - (2) **Requirement** - Must comply with all local zoning and building codes and must have a special exception granted by the Gilt Edge Board of Zoning Appeals for the requested use in accordance with Section 8-106.
 - (3) **Where Allowed** - In an R Zoned District as Uses Permitted by Special Exception
- C. **Commercial Recreation** - A public or private recreational facility located in a C Zoned District. Example: But not limited to: game rooms, dance halls, concert halls, etc.
 - (1) **Admittance** - May be open to the general public or admittance may be restricted by operator.
 - (2) **Requirement** - Must comply with all local zoning and building codes.
 - (3) **Where Allowed** - In a C Zoned District as Uses Permitted.

Refuse - All items constituting garbage, litter, and rubbish.

Restaurant – An eating and drinking establishment, with or without alcohol, but does not include entertainment such as live music, dancing, sports viewing and the like. The main purpose of which is eating.

Right-of-Way Line - That line surveyed or approved by appropriate governmental authority as the outer boundary of a street. Such line is identical to or contiguous with any property line abutting a street, and is often referred to as "street line".

Streetway - The actual street surface including necessary street shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

Rooming House - See "Dwelling - D".

Rubbish - Useless, rejected, or abandoned waste, waste matter, trash, junk, debris, and fragments of buildings, masonry or wood.

Sanitary Landfill - An area or site utilized by a public or private entity for disposal of solid or liquid waste or refuse (including industrial waste) in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment and these regulations.

Shelter, Fall-Out - A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

Shopping Center – A group of compatible commercial establishments, planned, developed and managed as a single unit with parking provided on the property; the center must also be related in location, size and type of businesses to its' trade area.

Sign, Billboard, or Other Advertising Device - Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" 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. **Billboard** - A structure on which is portrayed information not necessarily related to the other uses permitted on the zoned lot upon which the structure is located, but not including painted walls.
- B. **Changeable Message Sign** – Means an off-premise advertising device which displays a series of messages at intervals by means of digital display or mechanical rotating panels. Changeable Message Signs may be double faced, back to back or "V"-type signs.
- C. **Commercial Sign** - A type of ground or wall sign that directs attention to a business, service or profession conducted, sold or offered either on the same parcel or elsewhere.
- D. **Directional or Public Information Sign** - A sign intended to guide the general public and emergency services.

- E. **Flashing Sign** - Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that the revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.
- F. **Ground Sign** - A sign supported by a pole, uprights, or braces on the ground.
- G. **Illuminated Sign** - A sign designed to give forth any artificial light or reflect such light from an artificial source.
- H. **Marquee Sign** - A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.
- I. **Pole Sign or Banjo Sign** - A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.
- J. **Roof Sign** - A detached sign supported upon the roof or wall of a building.
- K. **Temporary Sign** - Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for sixty (60) days or less.
- L. **Wall or Flat Sign** - Any sign attached, affixed or erected parallel to the face or on the outside wall of any building.

Specified Anatomical Areas - Means:

- A. Less than completely and opaquely covered:
 1. Human Genitals;
 2. Pubic Region;
 3. Buttocks;
 4. Female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernible turgid state, even if completely opaquely covered.

Specified Sexual Activities - Means:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy; or
- C. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

Single Detached Dwelling - See "Dwelling - A".

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

Street - A public street, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

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

Subdivision – “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 less than five (5) acres 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. As used herein, “utility construction” does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

Substantial Improvement - Any repair, reconstruction, or improvement of a structure of which the cost equals or exceeds fifty (50) percent of the assessed value of the structure, either: (1) before the improvement or repair; or (2) before the damage occurred.

For the purposes of this ordinance, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not this alteration affects the external dimensions of the structure.

The term does not, however, include, either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure 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.

Total Floor Area - The area of all floors of a building including finished attic, finished basements, covered porches and attached garages or carports.

Tower – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Town House - See "Dwelling - F."

Toxic Materials - Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms by chemical reaction or detrimental effects upon the social, economic or psychological well being of individuals even when present in relatively small amounts.

Travel Trailer - A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses.

Travel Trailer Park - A plot of land designed and equipped to accommodate travel trailers for short periods of time.

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

Utility Easement - The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easements shall include, but are not limited to, easements for utilities such as storm drainage, water lines and elevated storage tanks, electric power lines, natural gas pipelines and communication lines, excluding wireless communication towers.

Watercourse - Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

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

Yard, Front - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

Yard, Rear - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

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

CHAPTER III

GENERAL PROVISIONS

For the purpose of this Ordinance there shall be certain general provisions that shall apply, except as specifically noted, 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. Only One Principal Building On Any Lot.

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 5-105.B of this Ordinance.

Section 3-102. Lot Must Abut A Public Street

No dwelling shall be erected on a lot, which does not abut at least one public street for a continuous distance of at least fifty (50) feet and contain a minimum width of one hundred (100) feet at the building setback line.

Section 3-103. 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 from the street right-of-way 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 that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

Section 3-104. Corner Lots

The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

Section 3-105. Future Street Lines

For the purpose of providing adequate space for the future widening of streets, required setback, or front yards shall be determined by the right-of-way as shown in the most current official Gilt Edge, Tennessee Transportation Plan (recorded on 5/5/09 in Plat Cabinet H, Slide 660 in the Register of Deeds Office at the Tipton County Courthouse in Covington).

Section 3-106. 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 dwelling unit, 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 3-107. Obstruction to Vision at Street Intersection Prohibited.

On a corner lot, in any district, within the area formed by the center lines of intersecting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this section shall not be construed to prohibit any necessary retaining walls.

Section 3-108. 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 (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. No point of access shall be allowed within thirty (30) feet of the right-of-way of any public street intersection or within twenty-five (25) feet of another access point on the same lot.
- C. No curbs or shoulders nor drainage ditches covered on city streets or rights-of-way shall be cut or altered for the purpose of access without written approval of the Gilt Edge Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- D. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Gilt Edge 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 3-109. Accessory Use Regulations

The use of land, buildings, and other structures (including portable or stationary carports, with or without sides or ends) in each of the districts established by this ordinance are defined by listing the principal uses. In addition to such principal uses, accessory uses that are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent and purpose to such principal use on parcels less than fifteen (15) acres.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Not include any mobile home units (single, double or triple-wides).
- F. Not include any truck trailers unless all wheels, axels and stands are removed, and the unit vented.
- G. Be setback a minimum of ten (10) feet from rear and side property lines.
- H. Be no closer to any street than the principal structure, with the exception of reverse frontage parcels.

Section 3-110. Buffer Strips

Where a use is established in areas zoned nonresidential (C or I) which abuts at any point upon property zoned residential (R), the developer of said use shall provide a buffer strip as defined herein at the point of abutment. See Definitions, Chapter II, Section 2-101.

Section 3-111. Site Plan Requirement

The purpose of this provision is to prevent undesirable site development that would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for Building Permits must submit scale drawings, according to the particular type of development proposals, to the Tipton County Regional Planning Commission in accordance with the following procedures. In addition, a fee established by the Tipton County Regional Planning Commission of \$50 shall be due and payable at the time of submittal along with ten (10) copies of the proposed site plan. A Site Plan Checklist is provided for reference in the Appendix, Form 1.

- A. Proposals for the construction or location of one (1) or more principal structures on any commercial or industrial lot or more than one (1) principal residential structure on any lot, churches and other places of assembly on any lot and utility structures (such as, but not limited to, elevated storage tanks and telephone junction boxes) shall be submitted at a scale no smaller than 1"-100', and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, and landscape treatment in accordance with Section 3.110, outlined in this ordinance.

- B. Proposal for mobile home parks and shopping centers shall follow separate provisions outlined in Sections 4-107 and 4-123, respectively of this ordinance.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Tipton County Regional Planning Commission.
- D. Grading and Building permits are required before any work begins for any lot, tract, subdivision, commercial development or industrial development with the exception of agricultural activities (including timber crops). The penalty for grading prior to site plan approval or grading without a permit shall be \$100 per acre.
- E. Site plan approval shall be valid for a period of one year. If substantial work has not been completed after one (1) year, the site plan shall be deemed void and applicant shall re-apply for approval.
- F. Site plan denial by the Tipton County Regional Planning Commission shall serve a one (1) year waiting period before re-applying, unless recommended otherwise by the Planning Commission.
- G. The site plan shall include (a checklist is provided as Form 1 in the Appendix):
 - 1. Name and address of development, owner of record and applicant and names of all adjoining property owners.
 - 2. Present zoning classification of the site and all abutting properties.
 - 3. Nature of the proposed use of the site, and the Tax Map and Parcel Number.
 - 4. Date, scale, north point and all related dimensions and bearing of the lot.
 - 5. Courses and distances of centerlines of all streets.
 - 6. All building restriction lines (yard setbacks and right-of-ways) and easements.
 - 7. Acreage or square footage of the lot. Show the Flood Map number and date.
 - 8. Sufficient grade and elevation information to demonstrate that the property will drain properly, and show the topographic contour lines at a five (5) foot interval. The location of any potential wetlands areas.
 - 9. Location of all utilities, including all outside lighting (existing and proposed), fire hydrants, fire lines, meters, valves and backflow preventers.
 - 10. All Commercial and Industrial zoned or use properties shall require a stormwater runoff analysis including before and after volumes, grading plans and erosion control plans (if necessary) approved by the Tipton County Public Works Department prior to Site Plan approval. These requirements also apply to all Assembly, Educational and Institutional classified occupancy construction (according to the current adopted Building Code) greater than two thousand five hundred (2,500) square feet. See Section 3-112 below for requirements.
 - 11. Show location of property with respect to surrounding property and streets. Show location of septic tank and field lines on the property as well as a copy of the Permit for Construction of Subsurface Sewage Disposal System.

Section 3-112.**Drainage and Detention System Design and Requirements**

The purpose of this provision is to provide guidelines to fulfill the Site Plan Requirements in Section 3-111. Detention systems are designed to intercept a volume of storm water runoff and temporarily impound the water for gradual release to the receiving stream or storm sewer system. Detention systems are designed to completely empty out between runoff events, and therefore provide mainly water quantity control as opposed to water quality control. Detention basins can provide limited settling of particulate matter, but a large portion of this material can be used to reduce the peak discharge of storm water to receiving streams to limit downstream flooding and to provide some degree of channel protection. There are several types of detention facilities used to manage storm water runoff, including detention basins and underground vaults, pipes and tanks.

A. Drainage and Storm Sewers**1. General Requirements**

The Planning Commission shall not approve any site plan (other than incidental home occupations), which does not make adequate provision for storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system.

2. Nature of Storm Water Facilities**(a) Location**

The developer may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the development. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in this subsection.

(b) Accessibility to Public Storm Sewers

Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. The enforcing officer shall conduct inspection of facilities.

If a connection to a public storm sewer will be provided eventually, as determined by the Tipton County Public Works Department, the developer shall make arrangements for future storm water disposal by a public system at the time the site plan receives final approval.

(c) Accommodation of Upstream Drainage Areas

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 development. Necessary facilities shall be sized based on

the construction specifications and assuming conditions of maximum potential watershed development permitted, as approved by the Director of Public Works.

(d) Effect on Downstream Drainage Areas

The developer shall also prepare and submit to the county engineer a study of the effect of each site plan on existing downstream drainage facilities outside the area of the development.

Increased flow rates, volumes, and velocities of water generated by a development must be estimated and may be released if the increased runoff is conveyed to an adequate downstream watercourse or facility without adverse impact (as determined by the county engineer) upon the land over which the waters are conveyed or upon the watercourse or facility into which such waters are discharged.

Where it is anticipated that the additional runoff incidental to the construction of the development will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the site plan until provisions have been made for adequate improvement of such drainage facilities. The developer may be required to construct adequate downstream facilities, contribute his pro-rata share toward the construction of adequate downstream facilities, or install onsite storm water detention to mitigate the downstream impacts. The Planning Commission reserves the right to require pro-rata share contributions or downstream improvements where storm water detention is not in the best interest of the overall drainage system and the county in general.

On site storm water detention proposed to reduce the peak rate of discharge to the off-site drainage system in lieu of downstream improvements shall not cause increased peak flows or velocities detrimental to downstream properties or facilities. When detention facilities are utilized, the peak rate of discharge after development shall not exceed the predevelopment peak rate with adequate provision made to prevent erosion due to increased velocities and adequate provision made for downstream accommodation of increased volumes of runoff.

Should it be determined by the county engineer that downstream conditions dictate additional control of lesser storms (up to the twenty-five (25) year design storm), the developer shall install flow control devices (weir, etc.), as approved by the county engineer.

Detention facilities shall be shown on the site plan as perpetual drainage easements and shall be maintained by the property owner(s). The government of Tipton County will in no way be responsible for maintenance of drainage facilities on private property. Estimated increases in discharge velocity shall be mitigated by energy dissipation devices, where required, to prevent erosion.

The drainage system shall be designed to honor natural drainage divides, where practical. Surface waters shall not be concentrated and discharged onto adjoining property at rates and/or velocities exceeding predevelopment conditions unless the owner of the affected land has granted an easement expressly authorizing such discharge or unless the discharge is into an adequate natural watercourse or drainage system.

(e) Areas of Poor Drainage

Whenever a site plan is submitted for an area which is subject to flooding, the Planning Commission may approve such development; provided, that the applicant fills the affected floodway fringe area of said development to place public way elevations at no less than twelve (12) inches above the regulatory flood elevation and first floor building elevations (including basements) at no less than one (1) foot above the regulatory flood elevation as determined by FEMA with respect to a 100 year event. The site plan of such development shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. In any area that is subject to flooding, FEMA shall be contacted before any earthwork begins in or reasonably near the floodway fringe due to possible changes in the floodway.

When sinkholes are encountered, the developer, based upon competent engineering, shall determine the limits of any standing water. The Planning Commission may prohibit construction in and around sinkholes. The county engineer and Planning Commission shall approve any alteration of a sinkhole or the drainage pattern.

(f) Floodplain Areas

The Planning Commission may, when it deems necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property, which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any site plan which contains flood prone land shall be subject to the special provisions set forth in Article VII, of these regulations.

(g) Storm Water Detention and Discharge Control

A Stormwater Runoff Analysis is defined as a study using hydrologic engineering methods and principles to examine and propose changes to conveyances and structures required to handle incremental stormwater volumetric flow rate as a result of the proposed development based on a 25 year rainfall event. The analysis shall include the downstream impact on adjoining parcels, streets, culverts, bridges and other conveyances and structures and will continue to the point that incremental estimated flow rate as a result of the completed proposed development will result in no adverse impact to public or private property; the post development flow shall be no greater than pre-development flow in any specific conveyance at the point of study termination, shall be completed and submitted with the construction plans.

The intention of the Tipton County Planning Commission is to allow release of the increased volume of water generated by a development, but at a rate not to exceed the predevelopment rate, rather than detain it if the increased runoff can be conveyed to an adequate drainage way, which will not cause downstream flooding. The major factors in evaluating drainage designs will be the effect on downstream water levels, existing conveyances, proximity of any structures, and erosion of banks.

In order to prevent erosion at all outlet points, the design engineer will be required to design and submit for approval an outlet system that approximates the width and velocity of the flow which existed prior to development.

Whenever the calculated stormwater runoff, considering the fully developed basin at proposed zoning for the twenty-five (25) year storm, exceeds the capacity of the downstream pipes or channels, detention facilities shall be utilized.

3. Dedication of Drainage Easements

(a) General Requirements

Where a development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized they shall be designed for the twenty-five (25) year frequency flood.

(b) Drainage Easements

Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a street right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the Right-Of-Way or maintenance easement and with satisfactory access to streets. Easements shall be indicated on the final site plan. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

When a new drainage system is to be constructed which will carry water across private land outside the development, appropriate drainage rights must be secured and indicated on the site plan.

The applicant shall dedicate to the appropriate entity, when required by the Planning Commission, by drainage or conservation easement through a declaration of covenants and restrictions, the land on both sides of an existing watercourse to a distance to be determined by the County Engineer and approved by the Planning Commission.

Along watercourses, low-lying lands within any floodway, as determined by the Flood Insurance Rate Maps provided by FEMA pursuant to Section 3.120, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

(c) Drainage Construction

All ditch, channelization, culvert, storm drain, or catch basin construction shall be governed by the Specifications for Drainage Construction, included in this section. These specifications are adopted and made a part of these regulations.

B. Drainage System Design

1. Ditching and Channelization

This work shall consist of the construction of ditches adjacent to streetway shoulders and feeding to and from culverts under or adjacent to the streetway. All drainage ditches shall be graded in their entirety during the time the streetways are being graded; such grading shall be completed prior to final inspection of the streetways. All drainage conveyances that are not located within the street Right-Of-Way, shall be indicated on the plans as private drainage easements.

2. Stabilization of Ditches

All open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert (Upstream)	Seeding Required	Sod Required	To Be Concrete Lined
15"	Grades 1.00%-3.00%	Grades 3.00%-12.00%	Grades Exceeding 12.00%
18" thru 24"	Grades 1.00%-1.50%	Grades 1.50%-7.00%	Grades Exceeding 7.00%
30" thru 36"	Grades 1.00%-1.50%	Grades 1.00%-4.00%	Grades Exceeding 4.00%
42" thru 72"	Grades	Grades 2.50% or Less	Grades Exceeding 2.50%

3. Concrete Ditch Pavings

Concrete ditch paving shall consist of the construction of paved ditches on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface.

All soft materials shall be removed and replaced with acceptable materials and compacted as directed by the representative of Tipton County Public Works.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled promptly after the concrete has set and the forms have been removed. All concrete used in ditch linings and detention basins shall be air entrained and have fiber reinforcement. The backfilled materials shall be thoroughly compacted. Expansion joints shall be located as directed by the representative of Tipton County Public Works.

4. Culverts and Storm Drains

All culverts shall be approved for size and gage by the Tipton County Public Works Department, and the installation of the culvert shall be inspected by the Tipton County Public Works Department prior to final driveway surface installation. Any culvert that does not meet the specifications of the Tipton County Public Works Department shall be removed and reinstalled prior to acceptance of the roadways within the section being developed.

This work shall consist of the construction of pipe culverts and storm sewers as shown on the plans.

Driveway culverts shall be a minimum diameter of fifteen (15) inches and a minimum length of twenty (20) feet; cross drains shall be a minimum diameter of eighteen (18) inches.

Reinforced concrete pipes shall conform to minimum standards for Class III, Reinforced Pipes, A.S.T.M. C76. Corrugated metal pipes shall conform to Section 915.02 or 915.04, Standard Specifications, and to gage as follows:

Rounded Corrugated Metal Pipes	
Size	Gage
15" - 24"	16
30"	14
36" - 48"	12
54" - 72"	10
78" - 84"	8

Arch Corrugated Metal Pipes	
Size	Gage
18" x 11" - 22" x 13"	16
25" x 16" - 36" x 22"	14
43" x 27" - 65" x 40"	12
72" x 44" or Larger	10

For pipes smaller than forty-eight (48) inches in diameter, a minimum cover of one (1) foot, exclusive of base and paving, is required from top of pipes to finished sub-grade. A minimum cover of two (2) feet is required for pipes forty-eight (48) inches in diameter and larger. All pipes shall be installed on straight line and grade and shall be laid with the spigot end pointing in the direction of the flow, with the ends fitted and matched to provide tight joints and smooth uniform invert.

Pipes shall be bedded on a six (6) inch thickness of Class B materials and backfilled to a depth of thirty (30) percent of the diameter of the pipes. Recesses shall be dug in the bedding materials to accommodate the fill. Class B, bedding shall be Size No. 7, as shown in Chart No. 903.23, Standard Specifications. Culverts and storm drains in existing roadways shall be backfilled to the depth of the cut.

5. Headwalls

Concrete headwalls shall be constructed at both ends of cross drains as approved by the Director of Public Works.

6. Catch Basins

This work shall consist of constructing catch basins complete within inlets, outlets, and inverts. Tops and inlets shall be constructed to conform to roadway grade so that drainage can easily be caught and no ponding created.

7. Box Culverts and Bridges

Design of box culverts and bridges shall be submitted to the representative of Tipton County Public Works for approval before construction is permitted.

8. Roadside Ditches

Roadside ditches, in conventional sections, shall be built to a grade that will permit good drainage, and in no case shall the slope of the ditch be less than one-half (0.50%) percent. All drainage ditches shall be stabilized, as indicated in these specifications.

9. Changes in Water Channels

Where the developer rechannelizes through a development, he will be responsible for replacing cross drains under streets, as directed by the representative of Tipton County Public Works. This work shall be done at the expense of the developer. Also, any alterations to existing channels or streams shall require the approval of the Tennessee Department of Environment and Conservation. An Aquatic Resource Alteration Permit (ARAP) shall be required for such activities and must be approved prior to the approval of the construction drawings.

10. Drainage Easements

All drainage easements are either private or public. The maintenance of Private drainage easements is the sole responsibility of the property owner or developer, and shall be noted as such on the site plan. The Tipton County Public Works Department shall approve all public drainage easements through the construction plans and shall be noted as such on the site plan. All drainage easements prior to the passage of this amendment shall be considered as private unless the Tipton County Public Works Department approves and accepts the dedication of the private drainage easement.

C. Detention Design and Requirements

1. Purpose and Design Process

The overall purpose of urban stormwater detention facilities is to control and utilize runoff in a sound manner such that the people and property of the areas, both upstream and downstream of changes in land use, experience no change to their normal activities of daily living. The effect of temporary storage of runoff on the shape of a hydrograph is pronounced and significant.

All stormwater detention facilities constructed within Tipton County shall be in accordance with the minimum design requirements and specifications as set forth in this section.

Any person, developer, firm, or corporation proposing to construct any stormwater detention facility within Tipton County shall apply to the Director of Tipton County Public Works for approval of the location, dimensions, design and construction methods, and materials of such facility. The application shall be in writing, and shall contain such information including maps, site plans, diagrams, design data, detailed drawings, specifications, and calculations as herein required.

If the Director of Tipton County Public Works finds that a proposed stormwater detention facility will conform to acceptable standards, the Director of Tipton County Public Works shall issue his approval in writing.

If the Director of Tipton County Public Works finds that a proposed stormwater detention facility will not conform to acceptable standards, the Director of Tipton County Public Works shall issue his notice of disapproval in writing.

The design of a detention basin involves the following steps:

- (a) Determine the purposes for which the basin will be used.
- (b) Determine the inflow hydrograph to the basin for the design storm.
- (c) Determine the maximum release rate.
- (d) Estimate the volume of storage needed.
- (e) Determine the depth-storage relationship for the basin.
- (f) Select the outlet structure(s) compatible with the basin uses and determine the depth-outflow relationship.
- (g) Determine the outflow hydrograph by performing the routing for the basin.

2. Definitions

For purposes of this section the following definitions of words and terms shall apply:

- (a) **Catch Basin** - A catch basin is a part of a storm drain or sewer system which is designed to trap debris so that it cannot enter the drainage pipes.
- (b) **Dam** – an artificial barrier or embankment having greater than six feet difference in elevation between the crest of the emergency spillway and the lowest point in the cross section taken along the centerline of the dam and which does or may impound water.
- (c) **Detention Basin** – any man-made area or structure that serves as a means of temporarily storing stormwater runoff.
- (d) **Detention Storage** – the temporary detaining or storage of stormwater on or beneath the ground surface, on rooftops, parking lots, or by other means under predetermined or controlled conditions.
- (e) **Detention Storage Volume** - The volume of storage provided in detention basins shall be sufficient to store the stormwater runoff generated by the development during a twenty-five year storm, less the discharge as permitted in the maximum release rate section of this chapter. Storage volume shall be sufficient to store excess flows resulting from a twenty-five year storm using a 24-hour rainfall distribution or other approved methods.

- (f) Development – any change in land use, or improvement on any parcel of land that increases stormwater runoff.
- (g) Discharge – the rate of outflow of water from detention storage.
- (h) Drainage Area – the geographical area contributing stormwater runoff to a point under consideration, i.e., a watershed, tributary area, or catchment area.
- (i) Dry Bottom Basin – a detention basin or facility not intended to have a permanent pool.
- (j) Freeboard – the difference in elevation between the design water surface in the detention facility and the elevation at which uncontrolled overtopping of the facility begins.
- (k) Hyetograph – intensity distribution of a rainfall event with respect to time.
- (l) Hydrograph – flow rate distribution of stormwater runoff with respect to time at the point under consideration, or of detention basin outflow.
- (m) Maximum Release Rate - The maximum allowable release rate of stormwater runoff originating within the proposed development shall be the quantity of flow computed using the allowable storm, as defined below, and the characteristics of the development drainage area, i.e., area, percent impervious, time of concentration, runoff coefficient, curve number and channel condition. The allowable storm is defined as the year storm which the controlling downstream pipe or improved channel could facilitate considering a fully developed upstream drainage basin at present or proposed zoning. Drainage culverts or bridges installed by the State or County in connection with roadway project that do not have improvements beyond the right-of-way lines shall not be considered in determining the maximum allowable release rate.
- (n) One Hundred Year Storm – a rainstorm of a given duration and depth of precipitation having a one percent chance of occurrence in any given year.
- (o) Project – any development involving the construction, reconstruction, or improvement of structures and/or grounds.
- (p) Retention Pond - A retention pond is designed to hold a specific amount of water indefinitely. Usually the pond is designed to have drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.
- (q) Stormwater Runoff – the waters derived from precipitation falling within a drainage area, flowing over the surface of the ground or collected in channels or conduits.
- (r) Stormwater Runoff Not Detained - The rate of discharge from a detention facility and the rate of discharge of stormwater runoff from areas of the development not controlled by the detention facility shall not collectively exceed the maximum release rate.
- (s) Twenty-five Year Storm – a rainstorm of a given duration and depth of precipitation having a twenty-five percent chance of occurrence in any given year.
- (t) Wet Bottom Basin – a detention basin intended to have a permanent pool.

3. Project Site Information

Detention basin storage type, capacity required and release rates are to be determined by the Design Engineer. To assist in the review of the proposed system, the following project information shall be provided to the Tipton County Public Works Director by the Design Engineer:

- (a) A topographic map of the project site and immediately adjacent areas, of suitable scale and contour interval, which shall define the location of streams, extent of floodplains and calculated high water elevations, and shorelines of lakes and ponds.
- (b) The size, location, and flowline elevations of all existing sanitary and storm sewers, which fall within the project limits and within a distance of five hundred feet beyond the boundaries of said project.
- (c) A proposed grading plan and/or site plan showing existing and proposed contours, buildings, parking lots, and other development features.
- (d) Proposed areas and/or methods to be used for detention facilities. The developer's engineer shall coordinate with the Director of Tipton County Public Works on the location, size, shape, or other desired design features of proposed detention basins.
- (e) Drainage area map showing upstream drainage area tributary to the development, and to each proposed detention facility along with the location and size of the controlling downstream drainage structures.
- (f) Special Study to determine effects of development, if required by Director of Tipton County Public Works.

4. Plans, Specifications and Calculations

Based on design data furnished, plans and specifications for detention facilities and appurtenances shall be submitted to the Director of Tipton County Public Works for approval prior to construction.

The following plan and design information shall be provided.

- (a) Finalized site plan, development plan, and facilities information as furnished pursuant to the previous section;
- (b) Complete plans for grading, storm sewers, inlets, outflow structures, dams, emergency spillways, and other appurtenances;
- (c) Slope, type, size, and complete flow calculations (if requested) for all existing and proposed storm sewers, outlet structures, spillways, and waterways,
- (d) The grading plan shall show existing and final contours, and a line defining the high water elevations to be expected during the one hundred year flood. Proposed cross sections and grades of overflow swales shall also be included;
- (e) Stage-outflow curves for proposed detention facilities plotted in units of detention facility water surface elevation (and depth).
- (f) Stage-outflow curves for outlet works plotted in units of detention facility water surface elevation (and depth).

- (g) Inflow and outflow hydrographs plotted in units of cubic feet per second of inflow and outflow as ordinates.
- (h) Inflow and outflow hydrographs, detention pond elevations, and storage in tabular form. The elevation at which the peak discharge occurs should be included.

5. Method of Detention

The following conditions and limitations shall be observed in selection and use of method of detention.

- (a) General Location – Detention facilities shall be located within the parcel limits of the project under consideration. No detention or ponding will be permitted within public street right-of-ways. Location of detention facilities immediately upstream or downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility, and proof of ownership or right-of-use of the area proposed. Conditions for general location of detention facilities are identified in the following sections.
- (b) Dry Reservoirs – Dry reservoirs shall be designed with proper safety, stability, and ease of maintenance facilities, and shall not exceed eight (8) feet in depth. Maximum side slopes for grass reservoirs shall not exceed one (1) foot vertical for three (3) feet horizontal (3:1) unless adequate measures are included to provide for the above noted features. Minimum bottom slope of the grass reservoirs shall be 1 %, unless a concrete swale is provided. In no case shall the limits of maximum ponding elevation (100 year storm) be closer than thirty (30) feet horizontally from any building and less than one (1) foot vertically below the lowest sill or floor elevation. The entire reservoir area shall be seeded, fertilized, mulched, sodded or paved as required prior to issuance of certificate of occupancy. Any area susceptible to, or designed as, overflow by higher design intensity rainfall (100 year frequency) shall be sodded.
- (c) Open Channels – Normally permitted open channels may be used as detention areas provided that the limits of the maximum ponding elevation (100 year storm) are not closer than thirty (30) feet horizontally from any buildings, and less than one (1) foot below the lowest sill or floor elevation of any building. No ponding will be permitted within public street right-of-way unless approval is given by the Director of Tipton County Public Works.

For design of other typical channel sections, the features of safely, stability, and ease of maintenance shall be observed by the Design Engineer.

The entire reservoir area of the open channel shall be seeded, fertilized, mulched, sodded or paved as required in the original design. The hydraulic or water surface elevations resulting from channel detention shall not adversely affect adjoining properties.

- (d) Permanent Lakes – Existing permanent lakes with fluctuating volume controls may be used as retention areas provided that the limits of maximum ponding elevations (100 year storm) are no closer than thirty (30) feet horizontal from any building and less than one (1) foot below the lowest sill or floor elevation of any building. Analyses to be based on post development flow rates.
- (e) Underground Systems – Underground storage systems may be used and shall be designed to provide storage for at least the 25-year storm. These systems shall be designed so that water surface from the 25-year storm; does not exceed the elevation of the top of the storage pipe or vault, or come within 6 inches of the bottom of any inlet grate, or exceed the top of any upstream pipes (unless these are privately maintained and the system and pipes are designed to operate as a pressure system).

These systems shall be designed to be relatively maintenance free by; using adequate trash screens at all inlets to the system and at the control structures; avoiding the use of moving parts; avoiding the use of small control pipes and narrow weir openings; maintaining a minimum low flow velocity of 4 FPS at a reasonable frequent reoccurring storm.

When an underground storage system is used in a public right-of-way or public maintenance easement it shall be constructed of the same material as all public maintained systems and the minimum pipe diameter shall be 15 inches. These systems are to be singular (not multiple or paralleling) in line pipe systems. When the underground storage system is to be privately maintained and located on private property it shall be constructed of materials that have a similar expected life as that of the project. Tanks, vaults, or oversized pipes and multiple paralleling pipes may be used in the private systems.

All underground storage systems shall be provided with a reasonable number and type of access locations to allow easy inspection and maintenance.

6. Construction

Standards for construction of inlets, pipes, manholes, paved ditches and other detention basin appurtenances shall be approved by the Director of Tipton County Public Works in accordance with the appropriate section of this manual and the County's construction specifications.

7. Emergency Spillways

Emergency spillways shall be sized to carry the one hundred year flood assuming the detention basin is already filled to design storage capacity.

Freeboard for earthen detention basins shall be a minimum of one-foot difference in elevation between the top of the settled embankment and the water surface, with the emergency spillway flowing at design depth.

8. Slopes

For wet or dry bottom basins, if side slopes exceed one foot vertical to three foot horizontal, both erosion control and safety measures shall be provided. In no case shall earthen slopes exceed one foot vertical to two foot horizontal at any point.

If vertical walls are used, the basin must be fenced, with steps, ramps or other means of egress provided.

9. Appearance

The use of detention facilities for purposes other than the temporary storage of runoff is encouraged. Whenever possible, the designer should incorporate detention basins in parking lots, playgrounds, ponds, private lots or common areas to enhance the esthetic appearance of a facility.

Pipes, drainage structures, outlet works, or other necessary structural features of detention ponds shall be devised so as to be minimum in number and inconspicuous.

10. Access

Provisions shall be made to permit access and use of auxiliary equipment to facilitate emptying, cleaning, maintenance, or for emergency purposes.

11. Control Structures

Detention facilities shall be provided with obvious and effective control structures. Plan view and section of the structure with adequate details shall be included in plans.

The maximum design discharge (Q) for the low-flow pipe shall not exceed the allowed maximum release rate when considering a 25-year storm.

Sizing of the low-flow pipe shall be by inlet control or hydraulic control or hydraulic gradient requirements as appropriate. Low-flow pipes or constrictions shall not be smaller than fifteen (15) inches in diameter on public maintained systems to minimize maintenance and operating problems. An adequately sized bar-screen on a minimum 2:1 slope to reduce blockage by debris is suggested on the low-flow pipe and control structures.

Detention basin outflow shall discharge into a downstream drainage system. Where a public conveyance is utilized, detention outflow may be connected without additional control if approved by the Tipton County Public Works Director. Where no public conveyance is available, the outflow shall be adequately dissipated to prevent point source erosion and the design shall be approved as part of the construction plans.

12. Easements

Two types of easements shall be provided in plans for detention facilities.

- (a) Private Drainage Easements – Private drainage easements will be required on all portions of the detention system that are not incorporated in a public drainage easement. Such areas shall be denoted on the development site plan by “Reserved for Storm Water Detention”. The facilities located in these private easements shall be the responsibility of the property owner or owner’s association to maintain.
- (b) Public Drainage Easement – A public drainage easement will be accepted in writing by the Director of Public Works for all components of the detention facilities which are standard Tipton County drainage structures; i.e., pipes, concrete channel lining, outlet structures and spillways.

13. Maintenance

Detention facilities, when mandatory, are to be built in conjunction with storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed when necessary from the detention area and control structure in order to maintain maximum storage capacity.

Maintenance of the portion of the detention facilities not located in a public drainage easement is the responsibility of the property owners or association. Maintenance shall consist of but not be limited to the following items:

- (a) Outlet cleaning
- (b) Mowing
- (c) Herbicide spraying
- (d) Litter control
- (e) Removal of sediment from basin and outlet control structure.
- (f) Repair of drainage structures.

The responsibility of all maintenance of the detention facilities and subdivision projects shall remain with the developer until the County has accepted the project. Upon acceptance of the development by the County, maintenance responsibility shall transfer to the County for all components located in the public drainage easements and to the property owner or owner’s association for all components of the detention system located in the private easement.

The following note shall be clearly placed on the final site plan of any development requiring on-site stormwater detention facilities.

The areas denoted by “Reserved for Stormwater Detention” shall not be used as a building site or filled without first obtaining written permission from the Director of Tipton County Public Works, as applicable. The stormwater detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owner’s association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the Tipton County Public Works Department.

14. Variances

Any variance of these regulations shall be submitted to and approved by the Tipton County Planning Commission with a written recommendation from the Tipton County Public Works Director.

Section 3-113. Solar Orientation

Solar energy devices shall be subject to the setback limitations affecting dwellings, buildings, and other major improvements. The use of solar energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of a structure, or an independent structure.

CHAPTER IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

Section 4-100. Off-Street Parking Requirements.

- A. 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 not be counted as serving a new building or addition; nor shall any parking space be substituted for a loading space, or vice versa.
- B. 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 Gilt Edge 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.
- C. Size and Maneuvering Room - Each parking space shall be equal to an area of one hundred eighty (180) square feet. The width shall not be less than nine (9) feet and the length shall not be less than eighteen (18) 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.
- D. 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.
- E. May Serve As Yard Space - Parking space may be included as part of the required yard space associated with the permitted use.
- F. Number of Spaces of Specific Uses
 - 1. Dwelling Units – not less than two (2) spaces for each dwelling unit.
 - 2. Rooming or Boarding House – not less than one (1) space for each room to be rented.
 - 3. Hotels, Motels and Other Tourist Accommodations - One (1) space for each unit to be rented, plus one (1) space for each three (3) employees.

4. Schools - One (1) space for each classroom, plus one space for each staff member and employee other than teachers plus (10) additional visitor spaces. If the school is a high school then one (1) additional space shall be required for each fifteen (15) students based on the capacity for which the building was designed. If an auditorium is provided, then see '5' below and the number of parking spaces shall be developed based on whichever is greater.
5. Any Auditorium, Church, Stadium or Other Place of Public Assembly – Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as club houses, funeral parlors, etc. at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.
6. Hospitals – Not less than one (1) space for each three (3) beds intended for patient use, exclusive of bassinets.
7. Public Utility Building, City Hall or Fire Department – Not less than one (1) space for each employee during maximum shift, plus two (2) visitor spaces.
8. Banks and Office Buildings – Not less than one (1) space for each one hundred fifty hundred (150) square feet of total floor space.
9. Medical or Dental Clinic – Not less than three (3) spaces for each doctor plus one (1) space for each two (2) employees.
10. Automobile Service Station – Five (5) spaces for each grease rack or service bay or one (1) space for each pump, whichever is greater.
11. Retail Sales and Service Establishments – Not less than one (1) space for each two hundred (200) square feet of sales area, plus one (1) space for each two (2) employees.
12. Industrial, Manufacturing or Wholesaling Use – Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment.

G. Off-Street Loading and Unloading Requirement.

1. On the same premises with every structure or part thereof, involving the receipt or distribution of 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.
2. All spaces shall be laid out in the dimensions of at least ten by fifty (10x50) feet or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.

3. 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.
4. 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 4-101. Standards for Signs, Billboards, and Other Advertising Structures

These conditions are established as a reasonable and impartial method of regulating 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. The regulations for signs, billboards, and other advertising structures are enumerated below. All signs requiring a permit shall obtain a permit at a fee of \$1 per square foot.

A. In Any Zoning District, the Following General Regulations Shall Apply:

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle.
2. No illuminated sign shall be permitted within two hundred (200) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
3. No billboard shall exceed fifty (50) feet in height nor shall any billboard exceed six hundred seventy two (672) square feet in sign area. In addition, no billboard shall be erected or placed closer than two thousand (2000) feet from any Residential District and shall be setback a distance equal to the height of the billboard from any property line. No ground sign shall exceed thirty (30) feet in height.
4. Ground signs of six (6) feet or less in height may be erected or placed up to the property line but no part of the sign structure may project or overhang past said property line.
5. Outdoor commercial signs, including flashing or illuminated signs, shall not intrude upon the public right-of-way.
6. Directional and Public Information signs intended to guide the general public and emergency services may intrude upon the public right-of-way with permission from the appropriate governmental agency and shall be no larger than sixty-four (64) square feet in size.
7. Signs erected and overhanging any sidewalk must be placed at least ten (10) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.
8. Only one sign shall be allowed on any residentially zoned parcel, not to include temporary signs or nameplates indicating name, address or house number for emergency purposes.

9. Temporary signs and posters are subject to the following regulations:
 - a. Each sign shall not exceed thirty-two (32) square feet in area.
 - b. No permit is required for temporary signs and posters.
 - c. Such signs shall not be nailed to public utility poles.
 - d. All such signs advertising events shall be placed/erected no sooner than sixty (60) days before the event date, and shall be removed within ten (10) days after the event date.
10. All signs greater than thirty (30) feet in height must be spaced at least two thousand (2000) feet apart in any direction.
11. A building permit is required for any sign that is greater than six (6) feet in height with the exception of temporary signs and posters.
12. Any sign that is deemed a nuisance as defined in *TCA 29-3-101(2)* is prohibited.
13. Changeable message signs with a digital display which meet all other requirements of this section are permissible subject to the following restrictions:
 - a. The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds.
 - b. Video, continuous scrolling messages and animation are prohibited; and

B. In the R, Residential District, the Following Regulations Shall Apply:

1. Flashing or illuminated signs are prohibited.
2. Billboards are prohibited.
3. For single-family dwellings, no sign shall exceed six (6) square feet in area.
4. For multi-family dwelling, no sign shall exceed sixteen (16) square feet in area.
5. For agricultural uses, no sign shall exceed thirty-two (32) square feet in area.
6. Only one sign shall be allowed on any residentially zoned parcel, not to include temporary signs or nameplates indicating name, address or house number for emergency purposes.

C. In the C, Commercial District, the Following Regulations Shall Apply:

1. Billboards shall be permitted subject to the general restrictions set forth in Section 4-101. A.
2. Commercial signs shall be permitted. Such signs shall be setback a distance equal to the height of the sign from any property line.

Section 4-102. Cellular Communication Towers

- 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 street 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.

Section 4-103. Temporary Use Regulations

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the planning director. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, set-back, sanitary facilities and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits that follow and to the regulations of any district in which such use is located. The Planning Director shall approve all temporary uses, unless otherwise noted.

- A. Carnival or Circus - May obtain a Temporary Use Permit, 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. Such use shall be approved by the Planning Commission.
- B. Fireworks and Christmas Tree Sales - Shall obtain a thirty (30) day Temporary Use Permit for the retail sale of Fireworks or Christmas Trees transported to open lots.
- C. Temporary Buildings - In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than two (2) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

- D. Religious Tent Meeting - In any district, a Temporary Use Permit may be issued, at no cost, for a tent or other temporary structures used to house a religious meeting. Such permits shall be issued for not more than a thirty (30) day period, and for a maximum of two (2) nonconsecutive periods in a one (1) year time span. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit in Cases of Special Hardships - In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent 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 Tipton County Health Department and/or the utility system approving the water supply and sewage disposal system for the temporary structure. Such a permit shall not be valid for more than six (6) months, and may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months, unless otherwise approved by the Gilt Edge Board of Zoning Appeals.
- F. Historical Events, Presentation and Historical Related Activities - A Temporary Permit may be issued for historical events, presentations or historical related activities for not more than six (6) times per year. Such permit shall be in effect for a period not to exceed seven (7) consecutive days.
- G. Special Events - Special events, but not limited to, tractor pulls, music festivals or temporary activities that would take place in an open space setting of at least three-fourths (3/4) of an acre for not more than two (2) times per year. Such permit shall be in effect for a period not to exceed ten (10) consecutive days. Permits for Special Events will be issued to nonprofit, non-taxpaying entities at no cost. Such uses shall be approved by the Planning Commission.

Section 4-104. Customary Incidental Home Occupation

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises. Only one (1) person other than members of the household shall be employed. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than six (6) square feet in area is permitted. No more than twenty-five (25) percent of the floor area of the dwelling unit is to be used to conduct the home occupation.

When questions arise regarding the legality of specific home occupations, the Gilt Edge Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which it is located.

A. Accessory-Agricultural Occupations

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applications requesting approval for this type of home occupation are required to meet the provisions set forth in Section 8-106.C, and any other safeguards the Gilt Edge Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Planning Commission and approval by the Gilt Edge Board of Zoning Appeals as a Special Exception. Uses permitted as accessory-agricultural occupations shall include, but not limited to auto, truck and farm equipment repair, welding shops, wood working and cabinet shops, manufacture or processing of garments, the sale of farm supplies and equipment (excluding privately owned) and other similar uses that in the opinion of the Gilt Edge Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation. A minimum of five (5) acres is needed to apply for this type of home occupation.

B. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises not to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence and are required to meet the provisions set forth in Section 8-106.D. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain approval for a special exception from the Gilt Edge Board of Zoning Appeals.

C. Major Home Occupations

Uses classified as major home occupations are those conducted within home that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking will be allowed for uses that are classified as major home occupations. All major home occupations are required to have a site plan approval from the Tipton County Planning Commission and their use approved by the Gilt Edge Board of Zoning Appeals prior to engaging in the activity, and are required to meet the provisions set forth in Section 8-106.D. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair (excluding auto and other motorized vehicles), upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Gilt Edge Board of Zoning Appeals would meet the criteria of a major home occupation.

Section 4-105. Fall-Out Shelter Restrictions

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

Section 4-106. Gasoline Service Station Restrictions

The following regulations shall apply to all gasoline service stations.

- A. There shall be a building setback from all street right-of-way lines for a distance of not less than thirty (30) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than thirty (30) feet to any street right-of-way line.
- C. Sign requirements as established in Section 4-101, shall be met.

Section 4-107. Development Standards for Mobile Home Parks

The following land development standards shall apply for all mobile home parks:

- A. 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. Drainage plans shall be approved by the Director of Public Works.
- B. Dimensional Requirements for Parks
 1. Each mobile home park shall have a front yard setback of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
 2. Each mobile home park shall provide rear and side yards of not less than thirty and fifteen (30 - 15) feet respectively, exclusive of any required yards for each mobile home space, from the parcel boundary.
 3. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
 4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

5. 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 a park and may be lighted by indirect lighting only.
6. The site for a mobile home park shall comprise of an area of not less than ten (10) acres.
7. Direct vehicular access to the site shall be provided by an abutting improved public street of at least a "Collector" status (as shown on the Gilt Edge Transportation Plan)

C. 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:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access streets within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes in all directions. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2), off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.
5. Each mobile home space shall be provided with a pad that shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. 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 three thousand six hundred (3,600) square feet. For double wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet. In areas without public waste water service, the minimum lot area shall be seven thousand five hundred (7,500) square feet for single wide mobile homes and ten thousand (10,000) square feet for a double wide mobile home, unless a higher density is approved by the Tipton County Health Department and the Gilt Edge Board of Zoning Appeals after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field.

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

D. General Requirements

1. Streets within the mobile home park shall be paved to a width of not less than twenty-two (22) feet in accordance with the procedures and standards for minor residential streets as specified in the Gilt Edge Subdivision Regulations, and the right-of-way shall only be of sufficient width to include the street surface itself and necessary drainage facilities. All streets within the mobile home park shall be private streets and shall not be accepted as public streets.
2. All mobile home spaces within the park shall abut an access street.
3. Each mobile home space shall be provided with the connection to a sanitary sewer line or to a sewer system approved by the Tipton County Health Department and Gilt Edge Board of Zoning Appeals.
4. Mobile homes, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses including customary home occupations within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes in accordance with the International Building Codes.
8. All mobile home parks shall be required to provide inground storm shelters at thirty-six (36) square feet per mobile home space. All storm shelters shall be located so that no mobile home space exceeds a distance of two hundred fifty (250) linear feet. There is no limit to the number of storm shelters required for any mobile home park.
9. At least ten (10%) percent of the total parcel of land being used for the mobile home park shall be designated for open space and recreation in a centralized location. This area shall not be used for the placement of mobile homes or parking.

E. Plans and Schedules Required

The following information shall be shown on the required site plan drawn to a scale of no smaller than one hundred (100) feet to one (1) inch:

1. The location and legal description of the proposed mobile home park, including the total acreage involved.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.

4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant, and name of the park.
9. North point, graphic scale, date, vicinity map, and names of the owners of record of all adjoining land.
10. Such other architectural, engineering, and topographic data as may be required to permit the Tipton County Health Department, the Planning Director, Director of Public Works, and the Gilt Edge Board of Zoning Appeals to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
12. All mobile home parks existing at the date of the passage of this ordinance that do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provision of Section 6-100 of this ordinance.

F. Application for Mobile Home Park Development

An application for a permit to develop and construct a mobile home park shall be filed in accordance with this ordinance, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Tipton County Health Department will be submitted to the Tipton County Planning Director, and the Tipton County Regional Planning Commission for site plan approval. The County Regional Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate utility districts.
2. The Tipton County Planning Director shall, after review, recommend approval or disapproval of the proposed mobile home park to the Gilt Edge Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

3. An annual fee to operate a mobile home park shall be based on the number of mobile home pads approved. A permit will be issued upon receipt of the annual fee, and shall be posted on the property. Any addition of mobile home pads shall require approval in the same fashion, as did the original plan. The annual fee shall be twenty-five (\$25) dollars, plus an additional five (\$5) dollars per space approved whether occupied or not.
4. Under no circumstance shall any portion of the mobile home park as a park be subdivided into individual lots, and when any ownership of the mobile home park changes, notification shall be presented to the Planning Department.
5. Any newly placed mobile home in the park shall be permitted as required in Section 8-102 of this ordinance.

Section 4-108. Development Standards for Automobile Wrecking, Junk and Salvage Yards

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

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone, and shall be located on a minimum of twenty-five (25) acres.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition. Such enclosed storage area shall be located no closer than three hundred (300) feet from any street or street right-of-way or property line. In addition, a buffer strip as regulated in Section 3-110 shall be required surrounding the enclosed storage area.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Street Parking - As regulated in Section 4-100.
- F. Ingress and Egress - The number of vehicular access driveways permitted on any single street frontage shall be limited to one (1) driveway where the parcel to be used, has a maximum street or street frontage of one hundred (100) feet or less.

- G. Application for Automobile Wrecking, Junk or Salvage Yard Permit - No person shall own or maintain an automobile wrecking, junk, or salvage yards within Gilt Edge, or enlarge or expand the existing land surface area beyond what was previously permitted upon application pursuant to these regulations, until said person has secured a permit from the Gilt Edge Board of Zoning Appeals. An application for said permit shall be filed in accordance with Section 8-106, of this ordinance, and shall be accompanied by a detailed site plan, indicating exact dimensions of area to be used, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with Section 8-106.

4-109. Off Street, ATV Track or Trail Regulations

The following uses are subject to review and approval by both the Gilt Edge Board of Zoning Appeals for a special exception and the Planning Commission for a site plan, subject to the minimum conditions required herein are met.

- A. A site plan of the proposed track and all accessory structures, such as parking, garages, pit areas, storage areas, concession stands, camping and other areas incidental to the track operation shall be presented at the time of proposal.
- B. No racetrack site shall be less than 50 acres. The track or trail itself shall be appropriate for the size and type of vehicles involved. Layout and design of tracks or trails shall be consistent with the parcel size.
- C. Public water shall be available on-site in order to provide for public and participant safety or first aid.
- D. No racetrack shall be located closer than two thousand (2,000) feet from any residence (including the owner's residence), school, church, daycare, or cemetery. Nor shall any racetrack be located any closer than five hundred (500) feet of the property line
- E. All racetrack lighting shall be situated in such a manner that under no circumstances shall the lighting be directed toward a public street or reflected toward any residential property.
- F. Spectator and participant waiting areas shall be buffered from the racing course.
- G. Screening shall be required between the track and residential property. Such screening may be a strip of densely planted shrubs or trees which may be expected to form a year-round dense screen within three (3) years; may be a berm; or may be a wall, barrier or uniformly painted fence at least ten (10) feet in height as measured from the finished grade. Such wall, barrier or fence may be opaque or perforated, and all screening shall be maintained in good condition at all times.
- H. The site plan shall show all streets, drives, easements, residences, schools, churches, daycares or cemeteries bordering the site.

- I. All racetracks shall be required to provide a parking requirement of one (1) space for every four (4) seats, or one (1) space for every one hundred (100) square feet of spectator area, whichever is greater.
- J. Concessions incidental to the track operations shall operate only in conjunction with racing activities.
- K. Hours of operation shall be limited to 10:00 AM – 10:00 PM for noise producing activities and all lighting for the track shall be off by 11:00 PM.
- L. The noise level at the perimeter of the property shall be no more than an average of 70 dbA, measured at one (1) minute intervals over a fifteen (15) minute period during normal business hours.
- M. All racetracks in operation shall be reviewed for compliance every two (2) years by appearing before the Gilt Edge Board of Zoning Appeals.
- N. And any other requirements which, in the opinion of the Gilt Edge Board of Zoning Appeals or the Planning Commission, would be required to protect the safety and general welfare of the surrounding area.

Section 4-110. Subsurface Disposal of Toxic Materials

The subsurface disposal of toxic materials as defined herein is prohibited in all zoning areas.

Section 4-111. Development Standards for Sanitary Landfill or Hazardous Waste Facility (Disposal, Treatment, Storage)

The following land development standards shall apply to all sanitary landfills, "or hazardous waste water facility (disposal, treatment, storage)".

- A. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located within six (6) miles upstream of an existing public water supply source.
- B. The Tipton County Highway Department must certify that existing access streets to a proposed landfill, "or hazardous waste facility (disposal, treatment, storage)", site are capable of supporting the size and volume of traffic generated by the operation of the landfill and will have no adverse impact on the traveling public using these access streets. Beyond other considerations, a paved access street shall be considered a minimum requirement.
- C. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall generate undue odors, fumes, smoke, land erosion, water or air pollution, and shall not create a public or private nuisance of any kind which would tend to endanger, contaminate, or cause harmful exposure.

- D. No sanitary landfill, "or hazardous waste facility (disposal treatment, storage)", shall be located on property where a spring or springs emanate from under the proposed landfill site. For the purpose of this Ordinance, a known tributary of a stream of water shall be any depression having a bed and well-defined banks, where the drainage area above the same is fifty (50) acres or more in extent, and the flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.
- E. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located on property with limestone, bedrock and fissures, cracks, and openings in the ground.
- F. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the proximity of either natural gas transmission pipelines or hazardous chemical pipelines.
- G. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in an area where the General Plan of the Tipton County Regional Planning Commission provides for:
 - 1. residential development, or
 - 2. development for future traffic needs.
- H. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the drainage shed or water shed of a known tributary of a stream of water which supplies water to any water authority or water district, or which supplies water to any local, state, or federally established wildlife preservation area.
- I. Before any proposal for the location of a public or private sanitary landfill or hazardous waste facility is considered by the Planning Commission, a site plan shall be submitted, and all required Federal, State and Local permits shall have been previously obtained for the proposed operation.

Section 4-112. Restrictions for Adult-Oriented Business Establishments

Adult-oriented establishments are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Such businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses.

Each of the foregoing negative secondary effects constitutes a harm which the state has a substantial government interest in preventing and/or abating. This interest, which is the state's regulatory rationale, exists independent of any comparative analysis between sexually-oriented and non-sexually-oriented businesses. Additionally, the state's interest in regulating sexually-oriented businesses extends to preventing future secondary effects of either current or future sexually-oriented businesses that may locate in the state. The cases and documentation relied on

in this act are reasonably believed to be relevant to said secondary effects. (*Tennessee Code Annotated, Section 7-51-1407*).

The following requirements are for the location and operation of adult-oriented businesses, as defined in Section 2-101, "Definitions".

- A. No adult-oriented establishment shall be operated or maintained in the Town within two thousand (2,000) feet, measured in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an adult-oriented establishment to the nearest point on the property line of a parcel containing a child care facility, any type of school, a public park, a residence, a place of worship, or another adult-oriented establishment.
- B. No adult-oriented establishment shall be operated or maintained in the Town within two thousand (2,000) feet, measured in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an adult-oriented establishment to the nearest point on the property line of a residentially zoned parcel with or without an existing residential structure.

Section 4-113. Swimming Pool Regulations

The following regulations shall apply to all swimming pools, except inflatable pools:

- A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard nor any closer to any street than the primary structure in the residential districts. Swimming pools shall be setback a minimum of ten (10) feet from any side or rear yard and from any other structure, primary or accessory, on the parcel.
- B. The swimming pool area shall be completely fenced or walled so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height, and openings in the fence shall not permit the passage of a four (4) inch diameter sphere. The fence or wall shall be equipped with self-closing and self-latching gates. Fences shall forever be maintained in good condition so as that the openings shall not permit the passage of a four (4) inch diameter sphere at any time.
- C. Private swimming pools are permitted in residential and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.
- D. A permit fee of \$50 shall be required for residential swimming pools, and a permit fee of \$100 shall be required for commercial swimming pools.

Section 4-114. Development Standards for Cemeteries

The following standards shall be imposed upon the development and construction of cemeteries in Tipton County.

- A. The site proposed for a cemetery shall not interfere with the development of a system of collector streets and larger scale streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
- B. Any new commercial cemetery shall be located on a site containing not less than five (5) acres.
- C. All structures, including monuments, mausoleums or maintenance buildings, shall be setback twenty-five (25) feet from any property line or street right-of-way.
- D. All graves or burial lots shall be setback twenty-five (25) feet from any property line or street right-of-way.
- E. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

Section 4-115. Private Airstrip Regulations

The following use, private landing strips for fixed-wing single engine aircraft, is subject to review and approval by both the Gilt Edge Board of Zoning Appeals for a special exception and the site plan by the Planning Commission, subject to the minimum requirements listed herein:

- A. A site plan of the proposed landing strip shall be presented at the time of the proposal.
- B. The landing strip shall be appropriate for the size and type of aircraft involved, and shall be constructed according to the manufacture's specifications for the type of aircraft involved.
- C. Airstrip runways are to be located no closer than one thousand (1000) feet from the centerline of the runway to the closest dwelling unit, excluding the owner of the property, and that said centerline be located no less than two thousand (2000) feet from any church, school or places of public assembly.
- D. All landing strips shall be situated in such a manner that under no circumstances shall an approach or departure be over a residence, excluding the owners, unless the residence is located a minimum of 400 (four hundred) feet beyond either end or side of the required landing strip length.
- E. The site plan shall show all streets bordering the subject property, and the location and type of all adjacent utility lines.
- F. Any other requirements which in the opinion of the Planning Commission or Gilt Edge Board of Zoning Appeals would be required to protect the safety and welfare of the surrounding area.

Section 4-116. Development Standards for Mini-Storage Facilities

Mini-storage facilities as defined in Section 2-101 are groupings of structures divided into individual units which shall not exceed ten (10) feet by forty (40) feet in size and for the sole purpose of providing non-commercial, small area storage for the general public, and shall be subject to the following standards:

- A. Such use shall have direct access to an Arterial status street as shown on the Gilt Edge Transportation Plan.
- B. Off-Street parking requirements shall be of one (1) space for each employee during maximum shift, plus one (1) space for each 100 square feet of business office space.
- C. Interior driveways between storage facilities shall be a minimum of forty (40) feet in width.
- D. On any property line adjacent to a residential zoned property, the facility shall be required to construct a fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height with a buffer strip as stated in Section 3-110.
- E. Signs are permitted as permitted in Section 4-101.

Section 4-117. Development Standards for Golf Courses

A site plan shall be approved by the Planning Commission prior to any permits for such use shall be issued, which shall include as a minimum, the following:

- A. A survey of the entire property drawn to a scale of not less than 1" = 200'.
- B. Topographic lines at 2' intervals.
- C. Show all drainage structures, drainage areas and water retention areas, and provide a stormwater drainage analysis showing less than a ten percent (10%) increase leaving the property, existing and proposed utilities, and all associated residential development.
- D. Show all structures and their proposed uses, including parking lots.

Approval of the site plan by the Planning Commission shall be based on the following standards and requirements:

- A. The minimum acreage required for development of a 9-hole course shall be 60 acres; the minimum acreage required for development of an 18-hole course shall be 100 acres.
- B. The minimum number of off-street parking spaces required for a 9-hole course shall be 50; the minimum number of off-street parking spaces for an 18-hole course shall be 100.
- C. Shall require access from a Collector or Arterial status street according to the Gilt Edge Transportation Plan, and shall have sufficient access to public water.

- D. Commercial uses developed as accessories to the operation of the golf facility, such as a clubhouse, restaurant or other similar use, may be allowed provided the use shall be subordinate to the operation of the facility and the use shall be housed internal to the development. Commercial facilities shall not be approved unless proven that they are necessary to the main golfing facility. The intent is to prohibit free-standing commercial development.

Section 4-118. Bed and Breakfast Regulations

A site plan shall be approved by the Gilt Edge Board of Zoning Appeals, along with any conditions attached by the Gilt Edge Board of Zoning Appeals in order to preserve and protect the character of the neighborhood, prior to any permits for such use shall be issued, which shall include as a minimum, the following:

- A. The bed and breakfast operation shall be located and conducted within the principal structure only.
- B. Employees shall be residents of the dwelling unit in which the proposed use is located, and shall employ no more than two (2) paid assistants.
- C. No more than five (5) beds shall be for rent at any one time at any one establishment.
- D. Off-street parking facilities shall be provided at a rate of one (1) space for each bed for rent, not including standard requirements as stated in Section 4-100.
- E. The residential character and appearance of the home shall not be changed by the establishment of the operation.

Section 4-119. Development Standards for Multi-Family Developments

A site plan shall be approved by the Planning Commission prior to any permits for such use shall be issued, which shall include as a minimum, the following:

- A. If the number of dwelling units does not exceed forty (40) units, the developer shall provide only one ingress/egress with a fifty (50) foot right-of-way. The ingress/egress shall be paved to a minimum of twenty-four (24) feet in width, and not to be accepted by the Town of Gilt Edge or the Tipton County Public Works Department.
- B. If the number of dwelling units exceeds forty (40) units, the developer shall provide a secondary ingress egress with a fifty (50) foot right-of-way.
- C. In either case above where the primary ingress/egress exceeds five hundred (500) feet in length the developer shall provide the following:
 1. Two (2) paved, twelve (12) foot wide lanes with a two (2) foot outside shoulder.
 2. A median dividing the two (2) lanes.

3. The median section shall be cut to provide a crossover every two hundred (200) feet.
4. Each crossover shall have a minimum distance of twenty (20) feet, and a maximum distance of fifty (50) feet between median sections.
5. Each median section shall be a minimum of three (3) feet in width.
6. The entire street width shall be a minimum of thirty-one (31) feet from outside shoulder to outside shoulder.
7. No ingress/egress to a multi-family development shall be accepted by the Town of Gilt Edge or the Tipton County Public Works Department.

Section 4-120. Development Standards for Fences

No fence shall be placed within any town street right-of-way or utility easement nor shall any fence be constructed so as to block or obstruct the view of traffic at any intersection or egress onto any street.

Section 4-121. Development Requirements for Flea Markets (Open Air Markets)

- A. The minimum lot size of a flea market shall be one (1) acre. All proposals for the location of a flea market shall require site plan approval.
- B. Flea market booth's shall be individually located, no greater than four hundred (400) square feet in area, shall be separated from each other and from other buildings by at least ten (10) feet of open space, and be located no closer than ten (10) feet from the property line.
- C. Off-street parking shall be furnished at the rate of five and one half (5-½) spaces per one thousand (1,000) square feet of gross sales area.
- D. Each booth shall be numbered as to assure that vendors within the flea market are registered.
- E. An accessible, adequate, safe and potable supply of water shall be provided in each flea market.
- F. There shall be a minimum of one (1) central restroom facility located on the premises. The central restroom shall contain separate facilities for men and women, and every sink shall be furnished with hot and cold water.
- G. Connection to public sewer or approval of a subsurface sewage system by the State of Tennessee Ground Water Protection Division.
- H. All electrical wiring systems shall be approved by the appropriate governing jurisdiction.

- I. The flea market operator shall provide each booth with a flytight, watertight, rodent-proof container or place a centrally located container (dumpster) of a minimum of four (4) cubic yards to store all refuse produced on the site; and all refuse shall be collected at least once a week.
- J. All flea markets shall be maintained free of accumulations of debris, which may provide rodent infestations or breeding places for flies, mosquitoes and other pests.
- K. Portable fire extinguishers shall be kept on premises, and shall be maintained in good operation condition.
- L. No overnight camping shall be allowed in any flea market site within one (1) mile of the nearest residential dwelling unit.

Section 4-122. Family Burial Grounds Protection Requirements

This section is intended to provide notice to buyers of property with known burial grounds and gravesites for the protection of these sites. It is highly recommended that family burial grounds be subdivided from the original tract of property and recorded in the Register of Deeds Office for protection. There is no minimum lot size requirements if property for family burial grounds were to be subdivided, however, there shall be a minimum of ten (10) feet of street frontage or a ten (10) foot permanent ingress/egress easement for access to the subdivided family burial grounds. The subdivided area shall not allow for any residential or commercial construction and shall be noted on the plat. Only structures associated with the maintenance of the family burial grounds shall be allowed. A gravesite or crypt may not be disturbed in the area of ten (10) feet surrounding the perimeter of the gravesite or crypt.

CHAPTER V

ZONING DISTRICTS

Section 5-100. Classification of Districts.

For the purpose of this Ordinance, the Town of Gilt Edge, Tennessee, is hereby divided into two (2) main districts and one (1) overlay district, designated as follows:

- R -- Residential District
- C -- Commercial District
- F -- *Floodplain Overlay District

* Refer to Chapter 7, Floodplain Overlay District

Section 5-101. Gilt Edge Zoning Map.

The location and boundaries of the zoning districts by this ordinance are bounded and defined as shown on the map entitled the "Official Zoning Map of Gilt Edge, Tennessee". The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the office of the Tipton County Building Inspector and the Gilt Edge Town Hall and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

Section 5-102. Tipton County Growth Boundary Map.

The location and boundaries of the growth boundary map as developed in the Tipton County Growth Plan mandated by Public Chapter 1101 are shown in the adopted document. The map shows four distinct types of boundaries: current corporate limits, urban growth boundaries, planned growth areas and rural areas. Gilt Edge's responsibility of these designations is just the current corporate limits. Gilt Edge has chosen not to include any Urban Growth Boundaries, however Gilt Edge is adjacent to Tipton County's boundaries. Tipton County's responsibility of these designations is the Planned Growth Areas (PGA's) and Rural Areas (RA's). Density of development is one of the main factors in the designations of PGA's and RA's. Certified prints of the adopted growth boundary map, report and any subsequent revisions shall be maintained in the office of the Tipton County Building Inspector and shall be available for inspection by the public at all reasonable times, as long as either this zoning ordinance or Public Chapter 1101 remains in effect, whichever is shorter.

Section 5-103. Zoning District Boundaries.

Unless otherwise indicated on the zoning map amendment, the district boundaries are lot lines, the centerlines of streets or alleys, railroad rights-of-way, or the corporate limit lines, as they exist at the time of the enactment of this Zoning Ordinance. Questions concerning the exact locations of district boundaries shall be first determined by the legal description accompanying the Zoning Map Amendment, and then second, by the Gilt Edge Board of Zoning Appeals.

Where a district boundary line divides a lot, which was in single ownership at the time of passage of this ordinance, the regulations for either portion of the lot shall not exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

Section 5-104. Specific District Regulations.

The following regulations in Sections 5-105 and 5-106 shall apply in the two (2) main zoning districts established in Section 5-100 of this ordinance.

Section 5-105. Residential (R) District.

This district is intended to be utilized in areas used primarily for agriculture, forestry and low-density residential development, where development of a suburban density is undesirable or unfeasible. The following regulations shall apply in the (R) District, as defined on the Official Zoning Map of Gilt Edge, Tennessee.

A. Uses Permitted

In the Residential (R) District, the following uses and their accessory uses are permitted.

1. Detached Single-family dwellings.
2. Two family dwellings.
3. Accessory buildings customarily incidental to any permitted use.
4. Single-Wide Mobile Homes on individual lots.
5. Cellular Communication Towers
6. Forestry and Agricultural services, except solid or liquid waste disposal.
7. Agricultural processing, except cotton ginning.
8. Crop and animal raising.
9. Fisheries and related services.
10. Group home for physically or mentally handicapped persons (minor).
11. Churches or other places of religious assembly.
12. Utility facilities necessary for the provision of public services.
13. Publicly owned recreational facilities
14. Public schools, libraries and fire stations.
15. Public informational signs as regulated in Section 4-101.
16. Animal husbandry, veterinarian, animal hospital and poultry hatchery services.
17. Family burial grounds.
18. Customary home occupation (minor only) as regulated in Section 4-104.
19. The storage of a maximum of 3 inoperable vehicles as defined in Section 2-101.
20. Governmental buildings and community centers.

B. Uses Permissible as a Special Exception

In the Residential (R) District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Gilt Edge Board of Zoning Appeals and subject to such conditions as the Gilt Edge Board of Zoning Appeals in accordance with Section 8-106.

1. Customary incidental home occupations (major and accessory agricultural only).
2. 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 Gilt Edge Board of Zoning Appeals for a special exception, subject to the minimum conditions required herein are met.
 - a) A site plan of the proposed stand and all accessory structures and parking shall be presented at the time of proposal.
 - b) 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.
 - c) The total area proposed for this use shall not exceed twenty thousand (20,000) square feet in area.
 - d) The persons engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located.
 - e) The proposed use shall not constitute primary or incidental storage facilities for a business or industrial activity conducted elsewhere.
 - f) Signs shall be limited to eight (8) square feet in area for advertising.
 - g) The products, other than farm produce raised on the same property, shall be consistent with agricultural activities.
 - h) Must have a farm and raising crops for sale on the property.
 - i) And any other requirements which, in the opinion of the Gilt Edge Board of Zoning Appeals or the Planning Commission, would be required to protect the safety and general welfare of the surrounding area.
3. Multi-Family Dwellings- The following is subject to review and approval by the Gilt Edge Board of Zoning Appeals for a special exception, subject to the minimum conditions required herein are met. (See Section 4-119 for additional requirements).
 - a) A site plan of the proposed dwelling(s) and all accessory structures and parking shall be presented at the time of proposal to the Gilt Edge Board of Zoning Appeals and the Planning Commission for approval.
 - b) A minimum of (one-half) 1/2 acre is required per dwelling unit, with a total minimum of two (2) acres.
 - c) And any other requirements which, in the opinion of the Gilt Edge Board of Zoning Appeals or the Planning Commission, would be required to protect the safety and general welfare of the surrounding area.
4. Riding stables and kennels.
5. Travel trailer park (Site Plan Required, See Section 3-111).

6. The surface and subsurface mining of quarrying of natural mineral resources and/or the storage of natural mineral resources.
7. Cemeteries (Site Plan Required, See Section 4-114).
8. Bed and breakfast operations (Site Plan Required, See Section 4-118).
9. Family and group day care homes
10. Private recreational facilities such as golf courses
11. Apartment dwelling (Site Plan Required, See Section 3-111).
12. Group Home for physically and mentally handicapped persons.
13. Condominiums (Site Plan Required, See Section 4-114).
14. Mobile Home Parks (Site Plan Required, See Section 3-111).

C. Uses Prohibited

In the Residential (R) District, all uses except those uses or their accessory uses specifically permitted upon approval as a special exception by the Board are prohibited.

- D. 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.
- E. 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.
- F. Maximum Lot Coverage. The area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area of any lot.

G. Accessory Buildings

1. 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.
2. Accessory buildings on corner lots shall conform to front yard setbacks for both intersecting streets.

H. 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	100 ft.
Minimum required front yard.	35 ft.
Minimum required rear yard.	30 ft.
Minimum required side yard	15 ft.

Section 5-106. General Commercial (C) Districts.

This district is intended to be utilized to provide goods and services to residents to the surrounding area. These centers serve a necessary economic function and the mixed land uses that characterize these centers are not particularly detrimental. It is designed to allow for change and growth within these areas, but also to prevent this mixture of land uses from unnecessarily spreading into the adjacent countryside. The following regulations shall apply in the General Commercial (C) District, as defined on the Official Zoning Map of Gilt Edge, Tennessee.

A. Uses Permitted

In the General Commercial (C) District, the following uses and their accessory uses are permitted.

1. Wholesale Trade
 - a) Motor vehicles and automotive equipment
 - b) Drugs, chemicals and allied products
 - c) Dry goods and apparel
 - d) Groceries and related products
 - e) Farm products (raw materials)
 - f) Electrical goods
 - g) Hardware, plumbing, heating equipment and supplies
 - h) Machinery, equipment and supplies
 - i) Other wholesale trade excluding petroleum bulk stations and terminals, scrap and waste materials, and beer, wine, and distilled alcoholic beverages.

2. Retail Trade
 - a) Building materials, hardware, and farm equipment
 - b) General Merchandise
 - c) Food
 - a) Automotive, marine craft, aircraft and accessories
 - b) Apparel and Accessories
 - c) Furniture, home furnishings, and equipment
 - d) Other retail trade restaurants excluding liquor
 - e) Drug, jewelry, books, sporting goods, garden supplies, antiques, fuel and ice.
3. Services
 - a) Finance, insurance, and real estate services
 - b) Personal services, such as dry cleaning and laundromats
 - c) Professional and Business services such as architects, engineers and accountants
 - d) Repair services
 - e) Contract construction services
 - f) Governmental services
 - g) Educational services
4. Cultural Activities
5. Public Assembly
6. Amusements
7. Recreational Activities
8. Parks
9. Veterinarian and Animal Hospital Services
10. Transient Lodging
11. Any Accessory Use or Building Customarily Incidental to a Permitted Use.
12. Billboards and Signs
13. Cellular Communication Towers
14. Agriculturally oriented commercial and related activities
15. Educational institutions
16. Utility facilities
17. Churches and other places of religious assembly
18. Government building and community centers
19. Medical facilities
20. Individual retail stores, professional and services offices such as real estate, beauty and barber shops.
21. Kennels and animal hospitals
22. Day care centers
23. Gasoline service stations
24. Restaurants
25. Flea Markets

B. Uses Permissible on Appeal

1. Livestock sales centers
2. Travel trailer parks or Mobile home parks
3. Light small scale manufacturing uses not specifically listed.
4. Mini-storage facilities
5. Adult Oriented Businesses
6. Industrial uses
 - a) Apparel and other finished products (except leather tanning and finishing).
 - b) Furniture 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) Warehousing and Storage Services (limited to household goods, warehousing and storage, general warehousing and storage)
7. Any business or service that is not elsewhere coded that in the opinion of the BZA is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the BZA may specify to preserve the character of the district.

C. Uses Prohibited

In the General Commercial (C) District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the BZA are prohibited.

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

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

1. A front yard of thirty-five (35) feet shall be required.
2. A rear yard of thirty (30) feet shall be required.
3. A side yard of fifteen (15) feet shall be required.
4. The minimum lot size shall be one (1) acre.

CHAPTER VI

EXCEPTIONS AND MODIFICATIONS

Chapter 6 of this Ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in Chapters 3-5.

Section 6-100. 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:

- A. 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 Gilt Edge Board of Zoning Appeals and subject to such conditions as the Gilt Edge Board of Zoning Appeals may require in order to protect the area.
- B. 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 additional land after the effective date of this ordinance.
- C. When any nonconforming commercial or industrial use of any structure or land, has been discontinued for a period of thirty (30) continuous months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance. Any nonconforming commercial or industrial building or nonconforming use which is damaged by fire, flood, wind, or other act of God may be reconstructed and used as before, if a building permit is obtained within six (6) months of such damage, unless damage exceeds seventy-five percent (75%) of its fair market value according to the current tax records kept in the Tipton County Office of the Assessor of Property immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.
- D. When any nonconforming residential use of any structure or land, including mobile homes and mobile home parks, has been discontinued or abandoned for a period of ninety (90) days, including damage by fire, flood, wind, or other act of God, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance, unless a building permit is obtained within ninety (90) days to replace such residential structure.

Section 6-101. Exceptions on Height Limits

The height limitations of this Ordinance shall not apply to church spires, solar collectors, 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, and agricultural related buildings except those designated for human occupation as in residences or offices.

Section 6-102. Lot of Record

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

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Gilt Edge Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Gilt Edge Board of Zoning Appeals.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

Section 6-103. Exceptions To Front Set Back Requirements

The front setback requirement of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than twenty (20) feet from the street right-of-way.

The front yard setback for Residentially Zoned properties (R) located on Arterial Streets may be reduced to the front yard setback for (all other streets), if and only if the front building setback line is located at a distance greater than one hundred (100) feet from the street right of way.

Section 6-104. Agricultural Use Of Land

This ordinance shall not be construed as authorizing the requirement of Development Permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural, except on agricultural lands adjacent or in proximity to state federal aid highways, public airports, or public parks, provided however, such buildings or structure is incidental to the agricultural enterprise. Nor shall this ordinance be construed as limiting or affecting in any way or controlling the agricultural uses of land.

Section 6-105. Growth Plan

So that future growth and development can be properly, orderly and fairly sustained, the areas marked in beige (Planned Growth Areas, PGA's) on the Tipton County, Tennessee Urban Growth Plan map are envisioned for future high-density development. The areas marked in green (Rural Areas, RA's) on the Tipton County, Tennessee Urban Growth Plan map are envisioned to remain rural in character, allowing only uses other than high density development in those areas. The areas Marked in red, pink, orange, brown and olive represent the (Urban Growth Boundaries, UGB's) for Atoka, Munford, Brighton, Covington and Mason respectively on the Tipton County, Tennessee Urban Growth Plan map. Gilt Edge, Burlison and Garland do not have an Urban Growth Boundary.

CHAPTER VII

PROVISIONS GOVERNING FLOOD HAZARD DISTRICTS

Section 7-100. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Tennessee Code Annotated Section 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 Gilt Edge, Tennessee Mayor and its Legislative Body does ordain as follows:

B. Findings of Fact

1. The Gilt Edge Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Gilt Edge are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

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

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

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

Section 7-101. DEFINITIONS

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

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

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter 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 an independent perimeter load-bearing wall shall be considered "New Construction".

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

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

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

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

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

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

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

"Building", means any structure built for support, shelter, or enclosure for any occupancy or storage (See "**Structure**")

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

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

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

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

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

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

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Structures" see **"Existing Construction"**.

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

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

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

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

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

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

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

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

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

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

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

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

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

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

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

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"**, unless such transportable structures are placed on a site for 180 consecutive days or longer.

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

"Map" means the Flood Hazard Boundary Map (FHB) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

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

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

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"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.

"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 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Section 7-102. GENERAL PROVISIONS

A. Application

This Ordinance shall apply to all areas within the incorporated area of Gilt Edge, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Gilt Edge, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number 47167C0140F and 47167C0145F, dated December 19, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Gilt Edge, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Gilt Edge, Tennessee from taking such other lawful actions to prevent or remedy any violation.

Section 7-103. ADMINISTRATION

A. Designation of Ordinance Administrator

The Building Official is hereby appointed as the Administrator to implement the provisions of this Ordinance.

B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Section 7-103.B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator 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 relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential 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 Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. 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 Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capability within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Section 7-103.B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 7-103.B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Section 7-103.B.
8. 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 Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 7-101 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 7-103.B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

Section 7-104. PROVISIONS FOR FLOOD HAZARD REDUCTION**A. General Standards**

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. 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;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section 7-104.B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 7-101 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 7-103.B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Section 7-101 of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Section 7-103.B.

Buildings located in all A-zones may be flood-proofed, 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 design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 7-103.B.

3. **Elevated Building.** All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. 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 elevated living area (stairway or elevator); and
 - c. 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 Section 7-104.B. of this Ordinance.
4. **Standards for Manufactured Homes and Recreational Vehicles**
 - a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,

- 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Section 7-104.B.4 of this Ordinance.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, 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 developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in Section 7-102.B are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section 7-104.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Section 7-102.B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new 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 (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 7-104.B.

E. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Section 7-102.B, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Section 7-102, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 7-104. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 7-104.B, and “Elevated Buildings”.

F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Section 7-102.B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 7-104.B, and “Elevated Buildings”.

2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in Section 7-103.B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Section 7-102. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Section 7-103.A and Section 7-104.A shall apply.

H. Standards for Unmapped Streams

Located within Gilt Edge, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. 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, measured from the top of each stream bank, 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 (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with Section 7-103.

Section 7-105. VARIANCE PROCEDURES

A. Board of Floodplain Review

1. Creation and Appointment

A Board of Floodplain Review is hereby established which shall consist of three (3) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Floodplain Review shall be terms of one, two, and three years respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer.

2. Procedure

Meetings of the Board of Floodplain Review shall be held at such times, as the Board shall determine. All meetings of the Board of Floodplain Review shall be open to the public. The Board of Floodplain Review shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Floodplain Review shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Floodplain Review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$100.00 dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 30 days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Floodplain Review shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in the carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Gilt Edge Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances 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.
- 3) In passing upon such applications, the Board of Floodplain Review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and 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.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood 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.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Section 7-106. LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Gilt Edge, Tennessee, the most restrictive shall in all cases apply.

B. 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.

C. Effective Date

This Ordinance shall become effective on December 19, 2006 after its passage, in accordance with the Charter of Gilt Edge, Tennessee, and the public welfare demanding it.

Recommended by the Tipton County, Tennessee Regional Planning Commission on August 28, 2006.

Approved and adopted by the Gilt Edge, Tennessee Board of Commissioners on November 15, 2006.

CHAPTER VIII

ADMINISTRATION AND ENFORCEMENT

Section 8-100. Administration of the Ordinance

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

Section 8-101. Enforcing Officer

The provisions of this Ordinance shall be administered and enforced by the Tipton County Building Inspector's Office, appointed by the Gilt Edge Board of Commissioners. In the performance of administering and enforcing this ordinance, the office shall:

- A. Issue all Building Permits and maintain all records thereof.
- B. Issue all Certificates of Occupancy and maintain all records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and maintain all records thereof.
- D. Maintain and keep current zoning maps and records of all amendments.
- E. Receive, file and forward to the Gilt Edge Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his or her authorized duties.
- G. Enforcement of the Zoning Codes and Regulations.

Section 8-102. Building Permits and Certificates of Occupancy

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or substantial improvement or repair of any structure or to change the use of a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Inspector's Office.

No Building Permit shall be issued by the Building Inspector's Office, except in conformity with the provisions of this ordinance, unless there is received a written order from the Gilt Edge Board of Zoning Appeals in the form of an administrative review, Special Exceptions, or variance as provided by this ordinance.

A. Application

Application for a Building Permit shall be made in writing to the Building Inspector's Office on forms provided for that purpose, See Form 2 in the Appendix. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site in relation to mean sea level of the proposed lowest floor if said building site is located in a floodplain, as defined in the Gilt Edge Floodplain Zoning Ordinance.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

B. Fee

The Gilt Edge Board of Commissioners shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Building Inspector's Office. Only the Board of Commissioners may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance the Building Inspector shall issue a Building Permit (See Form 3 in the Appendix) 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 of any provisions of this ordinance.

D. Construction Progress

Any Building Permit issued becomes invalid if work is not started within six (6) months from the date of issue, or if work ceases for any six (6) month period of time from the date of issue.

Section 8-103. Temporary Use Permits

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Inspector's Office, as provided for in Section 4-103, of this ordinance. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A fee established by the Gilt Edge Board of Commissioners of \$50 shall be charged to cover review, inspection and processing of each application. Such schedule shall be posted in the Building Inspector's Office. Until the appropriate fee has been paid in full, no action shall be taken on any application.

Section 8-104. Certificate of Occupancy

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof, is found to be in conformity with the provisions of this ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. No Certificate of Occupancy shall be issued for a residence or business (commercial or industrial) that does not have street address numbers visible from the street.

Section 8-105. Gilt Edge, Tennessee Board of Zoning Appeals

A Gilt Edge Board of Zoning Appeals is hereby established in accordance with 13-7-205, of the Tennessee Code Annotated. The Gilt Edge Board of Zoning Appeals shall consist of three (3) members appointed by the Gilt Edge Board of Commissioners. The Board members shall be appointed to three (3) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

A. Procedure

Meetings of the Gilt Edge Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board

An appeal to the Gilt Edge Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any government office, department, board, or bureau affected by any decision of the Building Inspector's Office based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Gilt Edge Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector's Office shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time of the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Stay of Proceeding

An appeal stays all legal proceedings in furtherance of the action appealed from unless the Building Inspector's Office certifies to the Gilt Edge Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector's Office, and on due cause shown.

D. Appeal to the Court

Any person or persons or any board, taxpayer, department, or bureau of the County aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the Laws of the State of Tennessee.

E. Powers of the Board

The Gilt Edge Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance, including the interpretation of the location of district boundaries shown on the Official Zoning Map of Gilt Edge.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Gilt Edge Board of Zoning Appeals is authorized to pass. If work has not commenced within one (1) year of the approval of the special exception, the special exception becomes void and the applicant shall be required to resubmit all materials for approval.

3. Variances

To hear and decide applications for a variance from the terms of this ordinance.

Section 8-106. Procedure for Authorizing Special Exceptions

The following procedure is established to provide procedures for review of a proposed use by the Gilt Edge Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the Building Inspector's Office to determine whether a proposed use is potentially noxious, toxic, dangerous, or offensive or determined to be a public nuisance.

A. Application

An application shall be filed with the Gilt Edge Board of Zoning Appeals along with a fee of \$100 to cover costs for review, inspection and processing. Such application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet and any other material pertinent to the request that the Board may require. If the Use has already been approved, and the applicant is requesting an addition to the Use on the same parcel size that was originally presented, then only site plan approval by the Tipton County Regional Planning Commission is required, as regulated in Section 3-111.

B. Criteria for Review

Prior to the issuance of a Special Exception, the Board shall make written findings certifying compliance with the specific rules governing individual Special Exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in Item 1, above, and the economic, noise, glare or odor effects of the Special Exceptions on adjoining properties and properties generally in the district.
3. Proof of residency at the location where the special exception is proposed.

C. Special Conditions for Accessory-Agricultural Occupations

1. Property must be located in an R District and must be a minimum of five (5) acres in size.
2. No proposed use shall occupy more than one (1) accessory building with total square footage not to exceed three thousand (3,000) square feet.
3. Accessory buildings may not be altered so that the character of agricultural function is not maintained.
4. Any site within one hundred (100) feet of any residential structure on any adjoining lot shall maintain a twenty-five (25) foot buffer between the residential structures.
5. Provide an adequate parking area in compliance of this ordinance.
6. The proposed use shall not be advertised by the use of signs on the lot that exceed twenty (20) square feet in area and no more than five (5) feet in height and be setback a minimum of ten (10) feet from the right-of-way.
7. No outside storage of goods or materials shall be visible from any public street. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.
8. All automobiles or trucks parked on the site are required to have a current registration and license plates.

D. Customary Incidental Home Occupations (Minor or Major)

1. The proposed use shall be located and conducted within the principal or accessory building only.
2. Employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located, with a maximum of one (1) paid assistant.
3. Not more than twenty-five (25%) of the total floor area in a dwelling unit shall be designated for the proposed use.
4. The proposed use shall not be the primary or incidental storage facility for a business conducted elsewhere.
5. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public street or alley, nor located outside the principal or accessory building.
6. The proposed use shall not be advertised by the use of signs on the lot that exceed six (6) square feet in area and no more than four (4) feet in height.
7. The proposed use shall not generate noise, odor, fumes, smoke, nor be determined a public nuisance that would tend to depreciate the character of the neighborhood in which the proposed use is located.

Section 8-107. Variances

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or street lots, or other exceptionally physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form that might be made available by the Gilt Edge Board of Zoning Appeals.

B. Fee

A fee as established by the Tipton County Commission of \$200 shall be charged to cover review, inspection and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships that act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearings and in accordance with the standards provided below.

D. Standards for Variances

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying for the variance.

Section 8-108. Amendments to the Ordinance

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Gilt Edge Board of Commissioners; but in accordance with Tennessee enabling legislation.

Any member of the Board of Commissioners may introduce such legislation, or any official, board, or any other person may present a petition to the Board of Commissioners requesting an amendment or amendments to this ordinance. These amendments must be in relation to the Tipton County Growth Plan and the general welfare of the community.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the Board of Commissioners.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Tipton County Regional Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days it shall require the favorable vote of a majority of the Board of Commissioners to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before finally adopting any such amendment, the Gilt Edge Board of Commissioners shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county.

A. Fee

A fee established by the Gilt Edge Board of Commissioners of \$200 shall be due and payable at the time of filing of petition and shall be posted with request to amend the zoning ordinance. The fee is to be used by Gilt Edge to defray costs resulting from such petition and any subsequent amendment of the zoning ordinance except that the fee shall be waived for a governmental agency.

Section 8-109. Penalties

Any person(s) violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation continues constitutes a separate offense.

Section 8-110. Remedies

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

Section 8-111. Separability

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

Section 8-112. Interpretation

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

Section 8-113. 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 8-114. Effective Date - Ordinance # 37

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Tipton County Regional Planning Commission

March 22, 2010

Date



Thomas S. Smith

Chairperson, Tipton County Planning Commission

Date of 1st Reading and Public Hearing: May 11, 2010 at 7:00 P.M.

Date of 2nd Reading and Public Hearing: June 8, 2010 at 7:00 P.M.

Date of Passage of Ordinance by the Gilt Edge Board of Commissioners

June 8, 2010

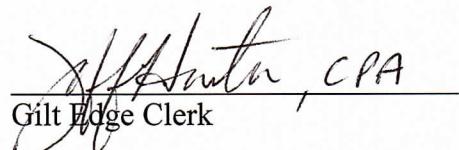
Date



Wayne Sloan

Wayne Sloan, Gilt Edge Mayor

Attested by:



Jeff Weller, CPA

Gilt Edge Clerk

Form 1

TIPTON COUNTY REGIONAL PLANNING COMMISSION

SITE PLAN CHECKLIST FOR THE TOWN OF GILT EDGE

NAME OF DEVELOPMENT _____

LOCATION _____ **ZONING DISTRICT** _____

OWNER _____

ENGINEER OR SURVEYOR _____

Planning Initials _____ **Surveyor Initials** _____

- _____ 1. Names and addresses of development, owner of record and applicant and names of all adjoining property owners.
- _____ 2. Present zoning classification of the site and all abutting properties.
- _____ 3. Nature of the proposed use of the site, and the Tax Map and Parcel Number.
- _____ 4. Date, scale, north point and all related dimensions and bearing of the lot.
- _____ 5. Courses and distances of centerlines of all roads.
- _____ 6. All building restriction lines (yard setbacks and right-of-ways) and easements.
- _____ 7. Acreage or square footage of the lot. Show the Flood Map number and date.
- _____ 8. Sufficient grade and elevation information to demonstrate that the property will drain properly, and show the topographic contour lines at a five (5) foot interval. The location of any potential wetlands areas.
- _____ 9. Location of all utilities, including all outside lighting (existing and proposed), fire hydrants, fire lines, meters, valves and backflow preventers.
- _____ 10. All Commercial and Industrial zoned or use properties shall require a stormwater runoff analysis including before and after volumes, grading plans and erosion control plans (if necessary) approved by the Tipton County Public Works Department prior to Site Plan approval. These requirements also apply to all Assembly, Educational and Institutional classified occupancy construction (according to the current adopted Building Code) greater than two thousand five hundred (2,500) square feet. See Section 3-112 for requirements.

- _____
- _____
11. Show location of property with respect to surrounding property and roads. Show location of septic tank and field lines on the property as well as a copy of the Permit for Construction of Subsurface Sewage Disposal System.

This form shall be filled out completely and accurately before any item submitted to appear before the Planning Commission will be accepted. Any item that is not required, write N/A in its place.

Form 2

BUILDING PERMIT APPLICATION

LANDOWNER'S NAME: _____ PHONE #: _____

MAILING ADDRESS: _____

CITY: _____ COUNTY: _____ ST: _____ ZIP CODE: _____

BUILDING LOCATION: _____

CITY: _____ COUNTY: _____ ST: _____ ZIP CODE: _____

IF PROPERTY IS IN A SUBDIVISION PLEASE FILL IN:

NAME: _____ LOT #: _____

CITY: _____ COUNTY: _____ ST: _____ ZIP CODE: _____

****ALL APPLICATIONS MUST HAVE: MAP #:** _____ & **PARCEL #:** _____
TOTAL ACREAGE OF LOT: _____. THIS INFORMATION CAN BE FOUND THROUGH
ONE OF THE FOLLOWING: A RECORDED WARRANTY DEED DATED AFTER MAY 1998, A TAX
CARD OR RECEIPT OR AT THE TAX ASSESSOR'S OFFICE.

EACH DWELLING REQUIRES FIFTY (50') FEET OF ROAD FRONTAGE TO A COUNTY ROAD.

****PLEASE LIST ANY OTHER STRUCTURES ON THIS PIECE OF PROPERTY: SUCH AS
HOUSES, MOBILE HOMES, SHEDS, BARNS, ETC.** _____

PERMIT TYPE	BUILDING TYPE	ZONING	
<input type="checkbox"/> NEW CONSTRUCTION	<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> FAR	<input type="checkbox"/> C-1
<input type="checkbox"/> ADDITION	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> R-1	<input type="checkbox"/> C-2
<input type="checkbox"/> MOBILE HOME	<input type="checkbox"/> ASSEMBLY	<input type="checkbox"/> R-2	<input type="checkbox"/> C-3
<input type="checkbox"/> YEAR MODEL	<input type="checkbox"/> STORAGE	<input type="checkbox"/> R-3	<input type="checkbox"/> I-1 or I-2
<input type="checkbox"/> SIZE	<input type="checkbox"/> OTHER: _____	<input type="checkbox"/> FLOOD PLAIN	
<input type="checkbox"/> FILL - GRADING		<input type="checkbox"/> FLOOD ELEVATION	

HAVE YOU EVER BUILT A HOUSE? _____

IF SO, WHEN WAS THE LAST HOUSE BUILT? _____

ADDRESS OF THE LAST HOUSE BUILT (IF APPLICABLE). _____

****PLEASE BRING THE FOLLOWING:**

- SET OF HOUSE BLUEPRINTS WITH TOTAL SQ. FT.: ANYTHING UNDER ROOF OR SCALE DRAWING WITH TOTAL SQ. FT. FOR ANY OTHER BUILDINGS.
- COPY OF MOBILE HOME FLOOR PLAN.
- COPY OF SEPTIC DRAWING, OR SIGNED AFFIDAVIT FOR EXISTING SEPTIC SYSTEM.
- COPY OF RECORDED DEED AND/OR CURRENT TAX CARD.
- PLEASE HAVE THE PROPERTY OWNER FILL OUT THE INFORMATION ON THE SECOND PAGE IF THE PROPERTY IS IN SOMEONE ELSE'S NAME.
- COPY SURVEY PLAT OR LAND LAYOUT FROM THE PROPERTY ASSESSOR'S OFFICE.

TOTAL SQ. FT. UNDER ROOF: _____.

SIGNATURE: _____ DATE: _____

Form 2

MUST BRING PROOF OF CONTRACTOR'S LICENSE

CONTRACTOR/BUILDER: _____

LISENCE #: _____

IS THERE ANY PART OF THIS CONSTRUCTION NOT GOING TO BE FINISHED ON
THIS PERMIT/ANY OTHER REMARKS TO BE MADE: _____

*****NOTICE*****

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED
IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED, OR
ABANDONED FOR A PERSON OF 6 MONTHS AT ANY TIME AFTER
WORK IS STARTED. I DO HEREBY CERTIFY THAT THE ABOVE INFORMATION IS
TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE. I FULLY UNDERSTAND
THAT ANY MISSTATEMENT OR MISREPRESENTATION OF FACT, INTENTIONAL
OR UNINTENTIONAL OF THE ABOVE INFORMATION SHALL CONSTITUTE GROUNDS FOR THE
REVOCATION OF THIS PERMIT. I HAVE RECEIVED A COPY OF THE TIPTON COUNTY BUILDING
INSPECTION SCHEDULE WITH REQUIREMENTS ASSOCIATED WITH THIS PERMIT.

I DO HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND
KNOW THE SAME TO BE TRUE AND CORRECT. ALL WORK SHALL COMPLY WITH ALL
PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WHETHER
SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO
GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL
LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

SIGNATURE: _____ DATE: _____

**IF THE PERSON PULLING THE PERMIT IS NOT THE LANDOWNER, PLEASE HAVE THE
FOLLOWING FILLED OUT AND SIGNED BY THE LANDOWNER.

NAME OF LANDOWNER: _____

ADDRESS: _____ PHONE: _____

MAP #: _____ PARCEL #: _____ ACREAGE: _____ FOR THE LAND BEING USED.

THIS IS PERMITTING SOMEONE ELSE TO USE MY LAND.

SIGNATURE: _____ DATE: _____

*****NOTICE*****

AS OF JANUARY 1, 1998, A \$25.00 REINSPECTION FEE WILL BE CHARGED WHEN ANY INSPECTION
FAILS. THIS MUST BE PAID IN FULL TO THE BUILDING INSPECTOR'S OFFICE BEFORE ANY
REINSPECTION WILL BE COMPLETED.

THERE ARE NO REINSPECTIONS ON FRIDAYS.

CALL IN FOR AN INSPECTION BETWEEN 8 AM AND 11 AM ON THE DAY YOU
WANT THE INSPECTION. PLEASE CALL 901-476-0215 OR 901-476-0255.

**BUILDING INSPECTOR'S OFFICE HOUR'S ARE 8 AM - 11 AM, MONDAY - FRIDAY **

Check # _____

Cash _____

**Form 3
Sample**

BUILDING PERMIT

0001

Tipton County, Tennessee

Owner's Name: _____ Phone #: _____

Mailing Address: _____

Building Location: _____

Tax Map #: _____ Group: _____ Parcel #: _____ Lot Area: _____

Permit Type:

- New Construction
- Addition
- Remodeling
- Mobile Home
- Year Model
- Size
- Fill – Grading

Building Type:

- Residential
- Commercial
- Industrial
- Assembly
- Storage
- Other: _____

Zoning Classification:

- | | |
|--------------------------------------|------------------------------|
| <input type="checkbox"/> FAR | <input type="checkbox"/> C-1 |
| <input type="checkbox"/> R-1 | <input type="checkbox"/> C-2 |
| <input type="checkbox"/> R-2 | <input type="checkbox"/> C-3 |
| <input type="checkbox"/> R-3 | <input type="checkbox"/> I-1 |
| <input type="checkbox"/> Flood Plain | <input type="checkbox"/> I-2 |
| Flood Elevation | |

Required: Front Yard Setback: _____, Side Yard Setback: _____, Rear Yard Setback: _____

Total Square Footage: _____ Contractor/Builder: _____

Estimated Cost: _____ License Number: _____

Remarks: _____

Payment Received From: _____ Amount: _____ For Permit #: _____

NOTE: THIS PERMIT BECOMES VOID IF WORK IS NOT STARTED WITHIN SIX (6) MONTHS FROM DATE OF ISSUE, OR IF WORK CEASES FOR ANY SIX (6) MONTH PERIOD FROM DATE OF ISSUE.

I do hereby certify that the above information is true and accurate. I fully understand that any misrepresentation of fact, intentional or unintentional of the above information shall constitute grounds for the revocation of this permit.

Owner

Tipton County Building Inspector

Date

Form 4

**APPLICATION TO APPEAR BEFORE THE
GILT EDGE BOARD OF ZONING APPEALS**

REQUIRE EIGHT (8) COMPLETE SETS OF THE FOLLOWING:

1. LOCATION OF PROPERTY:

- A. ROAD ADDRESS: _____
B. AREA IN ACRES: _____ ZONING: _____
C. MAP #: _____ PARCEL #: _____
D. MAP OF THE PROPERTY (PLEASE ATTACH A SCALED DRAWING).

2. APPLICANT:

NAME: _____
ADDRESS: _____
PHONE #: _____ ALTERNATE PHONE # _____

3. REASON FOR APPLICATION:

- VARIANCE (\$200 APPLICATION FEE)
 USE PERMITTED ON APPEAL (\$100 APPLICATION FEE)
 ADMINISTRATIVE REVIEW (NO CHARGE)

EXPLANATION: _____

I HEREBY CERTIFY THAT THE STATEMENTS ON THIS APPLICATION AND ANY MAPS, DRAWINGS OR OTHER ACCOMPANYING DATA SUBMITTED WITH THIS APPLICATION ARE TRUE AND CORRECT. ANY MISREPRESENTATION OF INFORMATION SHALL BE GROUNDS FOR REVOCATION OF ANY DECISION OF THE GILT EDGE BOARD OF ZONING APPEALS.

SIGNATURE: _____ DATE: _____

DATE OF MEETING: _____ TIME: 5 P.M.

MEETING LOCATION: GILT EDGE CITY HALL, 9149 MUNFORD GILTEDGE ROAD
SOMEONE MUST BE PRESENT AT MEETING TO REPRESENT APPLICATION

APPROVAL GRANTED: _____ APPROVAL DENIED: _____

CHECK #: _____ CASH: _____ DATE PAID: _____

ACCEPTED BY: _____

Form 5

**PETITION FOR REZONING UNDER THE ORDINANCE OF
THE TOWN OF GILT EDGE**

NEED TEN (10) COMPLETE SETS OF THE FOLLOWING:

1. LOCATION OF PROPERTY:

- A. **LEGAL DESCRIPTION (PLEASE ATTACH)**
 - B. **ROAD ADDRESS:** _____
 - C. **AREA IN ACRES:** _____ **MAP #** _____ **PARCEL #** _____
 - D. **MAP OF PROPERTY (PLEASE ATTACH A SCALED DRAWING)**
-

2. APPLICANT:

NAME: _____
ADDRESS: _____
PHONE: _____ **ALT. PHONE:** _____

3. LEGAL OWNER(S)

NAME: _____
ADDRESS: _____
PHONE: _____ **ALT. PHONE:** _____

4. PRESENT ZONING CLASSIFICATION: _____
PROPOSED ZONING CLASSIFICATION: _____
ZONING OF SURROUNDING PROPERTIES: _____

5. UTILITIES: **WATER** **YES** _____ **NO** _____
 SEWER **YES** _____ **NO** _____
 ELECTRIC **YES** _____ **NO** _____
 GAS **YES** _____ **NO** _____

**6. DESCRIPTION OF INTENDED USE OF PROPERTY. A REASON FOR
REQUEST:** _____

**I HEREBY CERTIFY THAT THE STATEMENTS ON THIS APPLICATION AND ANY MAPS,
DRAWINGS OR OTHER ACCOMPANYING DATA SUBMITTED WITH THIS APPLICATION
ARE TRUE AND CORRECT.**

SIGNATURE: _____ **DATE:** _____

DATE OF MEETING: _____ **TIME: 6:30 P.M.**

**MEETING LOCATION: NEW JUSTICE COMPLEX, 1801 SOUTH COLLEGE
SOMEONE MUST BE PRESENT AT MEETING TO REPRESENT APPLICATION**

APPROVAL GRANTED: _____ **APPROVAL DENIED:** _____

CHECK #: _____ **CASH:** _____ **DATE PAID:** _____

ACCEPTED BY: _____

**APPLICATION TO APPEAR BEFORE THE TIPTON COUNTY REGIONAL
PLANNING COMMISSION FOR THE TOWN OF GILT EDGE**

REQUIRE TEN (10) COMPLETE SETS OF THE FOLLOWING:

1. APPLICANT:

PLAT TITLE: _____

NAME: _____

ADDRESS: _____

PHONE #: _____ ALTERNATE PHONE #: _____

2. MATERIALS SUBMITTED:

PRELIMINARY PLAT SITE PLAN

FINAL PLAT (MINOR)

FINAL PLAT (MAJOR) >>> NUMBER OF LOTS

ROAD CONSTRUCTION PLANS

SEPTIC DRAWING SEPTIC AFFIDAVIT

I HEREBY CERTIFY THAT THE STATEMENTS ON THIS APPLICATION AND ANY MAPS, DRAWINGS OR OTHER ACCOMPANYING DATA SUBMITTED WITH THIS APPLICATION ARE TRUE AND CORRECT.

SIGNATURE: _____ DATE: _____

DATE OF MEETING: _____ TIME: **6:30 P.M.**

**MEETING LOCATION: NEW JUSTICE COMPLEX, 1801 SOUTH COLLEGE
SOMEONE MUST BE PRESENT AT MEETING TO REPRESENT APPLICATION**

APPROVAL GRANTED: _____ APPROVAL DENIED: _____

RECORDING FEE: \$ _____ CHECK # _____ CASH: \$ _____

APPLICATION FEE: \$ _____ CHECK #: _____ CASH: \$ _____

DATE PAID: _____ ACCEPTED BY: _____