

ZONING ORDINANCE  
FOR  
THE TOWN OF GORDONSVILLE, TENNESSEE

ARTICLE I  
TITLE, PURPOSE, AND ENACTMENT

SECTION 1.

TITLE

ORDINANCE NO. 07-01-24

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF GORDONSVILLE, TENNESSEE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 13-7-201 THROUGH 13-7-210, TENNESSEE CODE ANNOTATED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

SECTION 2.

PURPOSE AND ENACTMENT

WHEREAS, Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, empowers the City to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Board of Mayor and Aldermen deems it necessary for the purpose of promoting the health, safety, and general welfare of the City to enact such an ordinance; and

WHEREAS, the Board of Mayor and Aldermen, pursuant to the provisions of Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, has appointed the Gordonsville Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein; and

WHEREAS, the Gordonsville Planning Commission has made a preliminary report and held meetings thereon, and submitted its final report to the Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen has given due public notice of hearings related to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, all requirements of Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, with regard to the preparation of the report of the Gordonsville Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF GORDONSVILLE, TENNESSEE, THAT THE ZONING ORDINANCE AND MAP BE HEREBY ADOPTED.

## ARTICLE II

### DEFINITIONS (Amended Ordinance 01-09-24))

Unless otherwise stated, the following words shall, for the purpose of this ordinance, be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

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

The word "shall" is mandatory; the word "may" is permissive.

The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

The word "lot" includes the words "plot" or "parcel".

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

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

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

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

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

Principal Building. A building in which is conducted the principal use of the lot on which it is situated. In a residential district, any dwelling shall be deemed to be the principal building on the lot on which it is situated. Carports and garages if attached to the building are deemed part of the principal building.

Accessory Building. A subordinate building, the use of which is incidental to that of a principal building on the same lot.

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

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

Multi-Family. A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit. A building or portion thereof providing complete housekeeping facilities for one family.

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

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

Home Occupation. An occupation carried on in the home, provided that such occupation be incidental to the residential use to the extent that no more than 25 percent of the total useable area of the principal and accessory buildings is occupied by such occupation; no service be offered on the premises except that produced by such occupation; such occupation shall not require internal or external alteration or construction features, no on-site sale of retail items be allowed equipment or machinery not customary in residential areas. See Article VI, Section 4.C for a comprehensive listing of applicable development standards. Should a question arise as what activities qualify as being incidental, a decision by the Board of Zoning Appeals shall rule.

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

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

Lot. A piece, parcel or plot 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 and including the open spaces required in this ordinance. All lots shall front on and have access to a street.

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

Lot Frontage. The front of a lot shall be construed to be the portion nearest to the street.

Lot Line. The boundary dividing a given lot from a street, an alley, or adjacent lots.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Registrar, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Width. The distance between the side boundaries of the lot measured at the front building line.

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

Mobile Home Park. A lot, portion, or parcel of land designed for or which is intended to be used to the accommodation of two or more residential mobile homes or trailers.

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

Non-complying. Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to: (1) location along district boundary; (2) accessory off-street parking and loading; either on the effective date of this Ordinance or as a result of any subsequent amendment.

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

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

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

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

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

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

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

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

Total Floor Area. The area of all floors of a building including finished attics, finished basements, and covered porches for purposes of habitation.

Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall

not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

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

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

Side Yard. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches.

ARTICLE III

GENERAL PROVISIONS

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

SECTION 1.

ZONING AFFECTS EVERY BUILDING AND USE

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

SECTION 2.

NONCONFORMING LOTS AND NONCONFORMING USES OF LAND

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

A. NONCONFORMING LOTS OF RECORD

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

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

B. CHANGE OF NONCONFORMING USE

1. General Provisions

For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

2. Change to a Conforming Use

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

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

3. Change to Another Nonconforming Use.

An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to protect the area.

C. EXPANSION OF NONCONFORMING USES

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

D. DESTRUCTION AND RESTORATION OF NONCONFORMING USES

1. Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in Tennessee Code Annotated, Section 13-7-208.
2. Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed provided that all provisions of Section 13-7-208, Tennessee Code Annotated, are followed.

E. DISCONTINUANCE

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

SECTION 3.

NUMBER OF PRINCIPAL STRUCTURES ON A LOT

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

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

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

SECTION 4.

REAR YARD ABUTS A PUBLIC STREET

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

SECTION 5.

REDUCTIONS IN LOT AREA PROHIBITED

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

SECTION 6.

OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On a corner lot within the area formed by the center lines or the intersecting or intercepting streets and a line joining points on such center lines at a distance of fifty (50) feet from their intersection, there shall be no obstruction to vision between their height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

SECTION 7.

OFF—STREET AUTOMOBILE STORAGE (PARKING)

- A. In all districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off—street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off—street parking requirements shall be determined by the planning commission.
1. Single— and two—family dwellings. Not less than two spaces for each dwelling unit.
  2. Multiple-family dwellings. Not less than one and one-half spaces per dwelling unit.
  3. Boarding houses and rooming houses. Not less than one space for each one room occupied by boarders or roomers.
  4. Tourist accommodations. Not less than one space for each room offered for tourist accommodation.
  5. Churches. One space per five seats; or one space per forty square feet of auditorium floor space, whichever is greater.
  6. Hotels. Not less than one space for each guest room.

7. Manufacturing or other industrial use. Not less than one space for each two persons employed or intended to be employed on a single shift, with a minimum of five spaces provided for any establishment.
  8. Commercial building or use. Two spaces for each two— hundred square feet of floor space in general business districts.
  9. Shopping centers. Two spaces for each one—hundred square feet of floor space.
  10. Medical or dental clinics. Four spaces per doctor or dentist or one space for each hundred square feet of usable floor space, whichever is greater.
  11. Filling stations. Three spaces for each grease rack or similar facility, plus one space for each two employees.
  12. Theaters, auditoriums, stadiums, or other uses designed to draw an assembly of persons. Not less than one and one—half spaces for each five seats provided in such place of assembly.
  13. Offices. One space for each one-hundred square feet of office space.
  14. Restaurants. One space per one-hundred and fifty square feet of floor area, plus one space for each two employees. (For drive-in restaurants, one space per fifty square feet of floor area).
- B. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.
- C. Combination of required parking space. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
- D. Remote parking space. If the off—street parking space required by the zoning ordinance cannot be reasonably provided that on the same lot on which the principal use is located, such space may be provided on any land within four—hundred feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of the zoning code, has been made for the principal use.
- E. Requirements for design of parking lots.
1. Except for parcels of land devoted to one— and two— family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
  2. Each parking space shall be no less than two-hundred square feet in area.
  3. Entrances and exits for all off-street parking lots shall comply with the requirements of Article 3 Section 8 of this ordinance.
  4. The parking lot shall be drained to eliminate surface water.

## SECTION 8.

### ACCESS CONTROL

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

- A. A point of access for vehicles onto a street shall not exceed thirty feet in width.
- B. There shall be no more than two points of access to any one public street for each four hundred feet of lot frontage, or fraction thereof; provided, however, that lots less than eighty feet in width shall have no more than one point of access to any one public street.
- C. Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five feet.
- D. No point of access shall be allowed within fifteen feet of the right-of-way line of any public intersection.
- E. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.
- F. Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off—street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

SECTION 9.

OFF-STREET LOADING AND UNLOADING SPACE REQUIRED

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

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

<u>TOTAL USABLE FLOOR AREA IN SQUARE FEET FOR EACH PRINCIPAL BUILDING</u>	<u>SPACES REQUIRED</u>
0 to 5,000 sq. ft	One (1) space
5,000 to 10,000 sq. ft	Two (2) spaces
10,000 to 15,000 sq. ft	Three (3) spaces
15,000 to 20,000 sq. ft	Four (4) spaces
Over 20,000 sq. ft	Four (4) spaces plus one (1) space for each additional 20,000 sq. ft.

SECTION 10.

MAXIMUM BUILDING HEIGHT

- A. For all residential structures the maximum building height shall be 35 feet or 3 stories.
- B. For all other permitted structures the maximum building height shall be 50 feet or 4 stories; provided that for other structures, in addition to general yard requirements, one foot shall be added to required front and side yards for each foot of height over 35 feet.
- C. These provisions do not apply to spires, towers, domes not for human occupancy, flag poles, masts, silos, chimneys, or aerials.

## SECTION 11

### MINIMUM SITE PLAN REQUIREMENTS FOR MULTI-RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

- A. Plan shall be drawn on an 11"x17" legal paper or larger at a scale of no less than 1" = 100'. A scale of 1" = 50' may be required by the Planning Commission if required information cannot be clearly depicted at the 1" x 100' scale.
- B. North arrow, scale, vicinity map and date.
- C. Title Block: Name and address of the project of development including the name, address, and telephone number of the owner/developer. If a professional engineer, architect, surveyor, and/or landscape architect are required by the city, their names, addresses and phone numbers are to also be included. However, the site plan does not require an engineer's or architect's seal.
- D. Name of surrounding property owners.
- E. Existing topography – one (1) or five (5) foot contour intervals. Contours may be developed using publicly available information and does not require a contour survey.
- F. Existing vegetation, waterways, floodplains, utility easements and right-of-ways.
- G. All front, side and rear setbacks.
- H. Size and location of all proposed buildings and structures to be constructed on site.
- I. Location of all existing and proposed streets, easements and other public access drives.
- J. All required parking spaces, turn-arounds, access drives, drive thrus and sidewalks.
- K. All proposed loading and unloading areas.
- L. Depending on the project, the city may require proposed contours (grading plans) shown at one (1) or two (2) foot contour intervals. Under these conditions, a site-specific contour survey shall be performed.
- M. Location of all existing and proposed utilities (water, sewer, electric, gas, fire hydrants, etc.)
- N. Plans for storm water drainage and retention to control run-off.
- O. All landscape buffer and screening areas.
- P. Proposed locations of all signs on site.

ARTICLE IV

ZONING DISTRICTS AND MAP

SECTION 1.

ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Town of Gordonsville is hereby divided into zoning districts, as follows:

- R-1, Residential District
- R-2, Residential District
- C-1, General Business District
- C-2 Highway Commercial District
- 1-1, Light Industrial District
- 1-2, Heavy Industrial District
- A-1, Agricultural District

SECTION 2.

PROVISION FOR OFFICIAL ZONING MAP

- A. The boundaries of the above zoning districts are hereby established as shown on the map entitled, "Zoning Map of Gordonsville, Tennessee," dated December 3, 1987, which is a part of the zoning ordinance and which is on file in the office of the Gordonsville City Clerk.
- B. If, in accordance with the provisions of this ordinance and Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the Board of Mayor and Aldermen, together with an entry on the official zoning map. The amending ordinance shall provide that such changes or amendments shall not become effective until after such change and entry has been made on said map.
- C. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Article VII, Section 7 of this ordinance.
- D. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land and water areas, building, and other structures in the town.

SECTION 3.

REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Mayor and Aldermen may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent

amendment thereof.

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

#### SECTION 4.

##### RULES FOR INTERPRETATION C—1 DISTRICT BOUNDARIES

- A. District boundaries, unless otherwise indicated on the official zoning map, shall be platted lot lines, the center line of streets or alleys, midway between railroad tracks, the center lines of streams, rivers or other bodies of water, or the corporate limit lines as they exist at the time of the enactment of the zoning ordinance.
- B. Where a district boundary divides a lot existing at the time the zoning ordinance takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty feet within the more restricted district.
- C. Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners is in a residential district, the business or industrial use shall be limited to the property facing or front the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on that street in that block. It is the purpose of the ordinance to limit business, and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the board of zoning appeals shall have authority to determine on which street the business or industrial use shall face or front so that the spirit of the zoning ordinance shall be observed.
- D. Any questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

#### SECTION 5.

##### ANNEXATION OF TERRITORY

- A. All territory which may hereafter be annexed to the City of Gordonsville shall be considered by the planning commission and assigned an appropriate classification based on the existing land use, the long—range plans of the community, and the land use of the contiguous property inside the previous city limits.
- B. Annexed territory and the subsequent zoning of such territory shall be reflected on the zoning map of Gordonsville, Tennessee, in the manner described in Article IV, Section 2 of this ordinance.

ARTICLE V

SPECIFIC DISTRICT REGULATIONS

SECTION 1 (Amended Ordinance 01-09-24)

**R-1, LOW DENSITY RESIDENTIAL DISTRICT**

A. GENERAL DESCRIPTION

The purpose of the R-1 District is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

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

B. PERMITTED USES

1. Single family detached dwellings; excluding mobile homes.
2. Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, private garages, swimming pools and the like.
3. Real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, and not to exceed eight (8) square feet in area.
4. Essential utility services and facilities.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

Following the submittal of a development plan (see Article VII, Section 3), for the purposes of determining the impact on the surrounding residential uses (including provision of parking, possible traffic or other safety hazards, and nuisances), and after public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as Special Exceptions:

1. Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (See Article VI, Section 8); provided that not over twenty-five (25) percent of the total floor area of the dwelling is so used. For purposes of advertising such use, one sign not over two (2) square feet in area, may be used.
2. Public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; cemeteries (per Article VI, Section 4-B); and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.
3. Home Occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than twelve (12) children (per Article VI, Section 10A), or other customary incidental home occupations. All home occupations subject to specific requirements in Article VI, Section 4C.
4. Churches and other places of worship, and parish houses.

D. USES PROHIBITED

1. Multi-family residential uses, commercial, retail and wholesale uses, and industrial uses are prohibited.
2. The overnight parking of any vehicle in excess of 3 tons is prohibited.
3. The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or building is prohibited.
4. Any use not specifically permitted or permissible on appeal is also prohibited.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

1. Minimum lot area (with sewer)..... 12,000 sq. ft.
2. Minimum lot area (without sewer) ..... 20,000 sq. ft.
3. Minimum lot width at building setback line ..... 75 ft.
4. Minimum depth of front yard:
  - a. Minor Street ..... 35 ft.
  - b. Collector Street ..... 40 ft.
  - c. Arterial Street ..... 50 ft.
5. Minimum depth of rear yard ..... 30 ft.
6. Minimum width of side yard on each side:
  - a. One or two story building ..... 15 ft.
  - b. Three story building ..... 20 ft.
7. Minimum width of side yards on corner lots shall be the same as minimum front yard for other structures fronting the side street.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

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

G. BUILDING AREA

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

H. MAXIMUM BUILDING HEIGHT

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

I. PARKING REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Article III, Section 8 of this Ordinance.

J. ACCESS REQUIREMENTS

Uses in the R-1 District shall conform with the provisions of Article III, Section 9 of this Ordinance.

SECTION 2 (Amended Ordinance 01-09-24)

**R-2 HIGH DENSITY RESIDENTIAL DISTRICT**

A. GENERAL DESCRIPTION

The purpose of the R-2 District is to provide a high density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-2 High Density Residential District, as shown on the Official Gordonsville Zoning Map, the following regulations shall apply:

B. PERMITTED USES

1. Any use permitted in the R-1, Low Density Residential District.
2. Duplexes, apartments and multi-family residential uses, provided that for more than two dwelling units, a development plan (see Article VII, Section 3) must be submitted to the Planning Commission and subsequently be approved. Apartments and multi-family dwelling units shall adhere to the requirements as cited in Section 5 of Article VI herein.
3. Essential utility services and facilities.

C. USES PERMITTED UPON APPEAL (SPECIAL EXCEPTIONS)

Following the submittal of a development plan (see Article VII, Section 3), for the purposes of determining the impact on the surrounding residential uses (including provision of parking, possible traffic or other safety hazards, and nuisances), and after public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as Special Exceptions:

1. Bed and breakfast establishments and the taking of boarders or the leasing of rooms by the family residing on the premises (See Article VI, Section 8); provided that not over twenty-five (25) percent of the total floor area of the dwelling is so used. For purposes of advertising such use, one sign not over two (2) square feet in area, may be used.
2. Public libraries; schools offering general education courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; and cemeteries (per Article VI, Section 4-B).
3. Mobile Home Parks provided the provisions set forth in Article VI, Section 3, are complied with, including the submittal of a development plan (see Article III Section 13).

4. Residential Care Homes for the Aged of eight (8) or less beds, provided the provisions of Article VI, Section 9, are complied with.
5. Home Occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than 12 children (per Article VI, Section 10A), or other customary incidental home occupations. All home occupations subject to specific requirements in Article VI, Section 4C.
6. Churches and other places of worship, and parish houses.

D. USES PROHIBITED

1. Commercial, retail, wholesale and industrial uses are prohibited.
2. The parking of any vehicle in excess of 3 tons is prohibited.
3. The storage of inoperable or unlicensed motor vehicles outside of an enclosed garage or other building is prohibited.
4. Any use not specifically permitted or permissible on appeal is prohibited.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

The principal building or buildings shall be located so as to comply with the following requirements:

1. Minimum lot area for single unit (with sewer) ..... 10,000 sq. ft.
2. Minimum lot area for single unit (without sewer) ..... 20,000 sq. ft.
3. Minimum for each additional unit over one... ..... 4,500 sq. ft.
4. Minimum lot width at building setback line ..... 75 ft.
5. Minimum depth of front yard:
  - a. Minor street..... 35 ft.
  - b. Collector street..... 40 ft.
  - c. Arterial street ..... 50 ft.
6. Minimum depth of rear yard..... 30 ft
7. Minimum side yard on each side:
  - a. One story building ..... 15 ft.
  - b. Two story building..... 20 ft.
8. Minimum width of side yards on corner lots shall be same as the minimum front yard for other structures fronting the side street.

F. LOCATION OF ACCESSORY BUILDINGS

Accessory buildings shall meet the following provisions:

1. No accessory building shall be erected in any front or side setback area. Accessory buildings and detached garages shall not cover more than thirty percent (30%) of the required rear yard and shall be at least five (5) feet from all lot lines and fifteen (15) feet from any other building on the same lot.
2. A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.
3. On any corner lot, adjoining in the rear, another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall have the same setback on the side street line as the setback of any front yard along such side street.

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

G. BUILDING AREA

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

H. MAXIMUM BUILDING HEIGHT

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

I. PARKING REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Article III, Section 8 of this ordinance.

J. ACCESS REQUIREMENTS

Uses in the R-2 District shall conform with the provisions of Article III, Section 9 of this ordinance.

I. **SUPER HIGH-DENSITY RESIDENTIAL OVERLAY DISTRICT**

The purpose of this section is to establish an overlay district of the R-2 (High Density Residential) district. This overlay district will allow for smaller lot sizes for single family residential structures and other similar uses. All uses shall be considered a use permitted upon appeal with no uses considered a permitted use by right. This overlay district must be approved by the Gordonsville Board of Mayor and Aldermen.

**A. USES AND STRUCTURES PERMITTED UPON APPEAL AS A SPECIAL EXCEPTION**

1. Single-family detached dwellings
2. Accessory uses and structures including noncommercial greenhouses and plant nurseries, carports, tool houses and garden sheds, children's play areas and play equipment, swimming pools (subject to the conditions of Article VI, Section 4D of this zoning code), gazebos, and the like when meeting the following conditions:
  - a. Shall be customarily and clearly incidental and subordinate to permitted principal uses and structures.
  - b. Shall be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
  - c. Shall comply with all applicable requirements of the R-2 residential district.
3. Public parks and public recreational facilities.
4. Temporary structures and operations subject to the provisions of Article VI, Section 11 of

this zoning code

**B. PROHIBITED USES AND STRUCTURES**

1. Any use or structure not specifically permitted on appeal.

**C. MINIMUM LOT REQUIREMENTS (AREA AND WIDTH)**

Minimum lot area.....	5,000 square feet
Minimum lot width at right-of-way.....	50 feet
Minimum lot width at right-of-way at terminus of a cul-de-sac.....	35 feet
Minimum lot width at building setback line.....	50 feet

**D. MINIMUM YARD REQUIREMENTS**

Minimum depth of front yard

1. Arterial.....35 feet
2. Collector road.....25 feet
3. Local streets.....20 feet

Minimum depth of rear yard.....15 feet

Minimum depth of interior side yard.....5 feet

Minimum side yard on street side corner lots

1. Arterial.....35 feet
2. Collector road.....25 feet
3. Local streets.....20 feet

**E. MAXIMUM LOT COVERAGE**

Single family dwellings including accessory structures.....50%

All other uses.....30%

**F. OFF STREET PARKING REQUIREMENTS**

Single family residential uses shall provide at least three (3) off-street parking spaces per dwelling. All other uses shall comply with Article III, Section 7 of this zoning code.

**G. SITE PLANS ARE REQUIRED FOR ALL SUBMISSIONS. PLANS SHALL BE DRAWN TO SCALE WITH DIMENSIONS.**

## SECTION 3

### ***C-1, LIMITED COMMERCIAL DISTRICT***

#### A. GENERAL DESCRIPTION

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

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

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

#### B. PERMITTED USES

1. Community-wide retail trade, including the following types of establishments: grocery, general merchandise, apparel, furniture, antiques, household and hardware, electronics, pharmacies and sundries, florists, sporting goods and similar uses.
2. Community-wide businesses and personal services including the following types of establishments: barber shops; beauty shops; shoe repair; video rental; laundering and dry cleaning establishments; restaurants, grills; and pawn shops.
3. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, realtors, employment agencies, insurance agencies, travel agencies and similar uses.
4. Financial institutions.
5. Public uses and structures, and public utility structures.
6. Schools; indoor theater.
7. "Bed and Breakfast" per Article VI, Section 8.
8. Off-street parking lots and parking garages.
9. Accessory uses of structures customarily incidental to the above permitted uses, including on-premise business signs.
10. Real estate signs, per provisions of Article VI, Section 2.
11. Off-premise directional-informational signs not over 25 sq. ft.
12. Essential utility services and facilities.

#### C. USES PERMITTED UPON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to all appropriate requirements, conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Printing and publishing establishments.
2. Child and adult day care facilities per Article VI, Section 10C.
3. Churches and other places of worship, and parish houses.

#### D. USES PROHIBITED

1. Industrial uses.
2. Warehousing and storage, except those uses within and incidental to a permitted business or service structure.
3. Mobile homes for residential or commercial use; mobile home parks.
4. Use of mobile homes, trucks or tractor trailers for office space, storage or advertising.
5. Sale or storage of gasoline or other explosives.
6. Truck terminals, junkyards, bus stations, moving companies.
7. Billboards and other similar off-premise advertising signs.
8. All other uses or structures not of a nature specifically permitted herein or permitted by implication. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of danger of fire or explosion, even under proper safeguards.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

1. Minimum Lot Width at Building Line---75 ft.
2. Minimum Lot Requirements
  - a. All uses and structures ..... 15,000 sq. ft. minimum and meet other requirements herein.
  - b. Churches ..... 30,000 sq. ft. minimum plus off-street parking area requirements.

3. Minimum Yard Requirements

Front yard---35 feet. If a building or buildings on an adjacent lot or lots provide front yards less than 30 feet in depth, a front yard equal to the average of adjacent front yards shall be provided. Rear yard---20 feet.

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

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

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

4. Building Area -- Not to exceed 90%

5. Screening

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

F. MAXIMUM BUILDING HEIGHT

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

G. PARKING REQUIREMENTS

Structures in the C-1 District shall conform with the provisions of Article III, Section 8 of this Zoning Ordinance.

H. ACCESS REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of Article III, Section 9 of this Zoning Ordinance.

I. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the C-1 District shall conform with the provisions of Article III, Section 10 of this Zoning Ordinance.

SECTION 4 (Amended Ordinance 02-02-28)

***C-2 HIGHWAY COMMERCIAL DISTRICT***

A. GENERAL DESCRIPTION

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

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

B. PERMITTED USES

1. Retail businesses such as grocery store, drug store, florist, souvenir shop, hardware store, apparel, furniture, meat or fruit market, restaurant including sit-down and drive-in.
2. Banks, offices, barber and beauty shops, shoe repair shops, video rental, public parking garages and lots.
3. Hospital, clinic, nursing home, funeral home.
4. Child or adult day care - (per Article VI, Section 10-B & 10-C.)
5. Hotel or motel; "Bed and Breakfast" (per Article VI, Section 8.)
6. Schools, libraries, and parks.
7. Theaters
8. Automobile service stations and convenience marts provided that inflammable/hazardous liquids in excess of 500 gallons are not stored above ground, and provided that the provisions of Article VI, Section 4(A) are met.
9. Dry cleaning and laundering facilities (self-service and retail).
10. Automobile, truck and tractor sales and service establishments.
11. Building supplies where new building materials are sold and inventory is kept under roof.
12. Veterinary services for small animal care.
13. Public and semi-public uses and structures, including governmental and utilities.
14. Accessory buildings or uses customarily incidental to aforementioned permitted uses, including on-premise business signs.
15. Off-premise directional-informational signs not over 25 sq. ft.

16. Billboards located only on Highway 53 one thousand (1000) ft. apart - only single-stack back-to-back permitted, not to project beyond the property line.
17. Essential utility services and facilities.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to all appropriate requirements, conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Residential home for the aged.
2. Mini-warehouses.
3. Churches and other places of worship, and parish houses.

D. USES PROHIBITED

1. Industrial uses.
2. Warehousing, except mini-warehouses or those within and incidental to a permitted business or service structure.
3. Storage of explosives.
4. Storage above ground consisting of inflammable/hazardous liquids in excess of five-hundred (500) gallons.
5. Truck terminals
6. The overnight storage of inventory out-of-doors is prohibited except for operable motorized vehicles.
7. Storage of mobile homes overnight is not allowed unless located on the premises of a licensed mobile home sales lot.
8. Junkyards
9. Mobile homes for residential or commercial uses, except as the office within a mobile home sales business.
10. Mobile home parks.
11. The use of mobile homes for office space, storage or advertising, except temporary (not to exceed 6 months) at a construction site and except at mobile home sales businesses. (See Article VI, Section 11 for temporary use regulations).
12. All other uses not specifically permitted or permitted on appeal or implied in this district. Also, any use dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of fire or explosion, even under proper safeguards.

E. MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS

1. Minimum lot size .....10,000 sq. ft.
2. Minimum lot width at building setback line ..... 100 ft.
3. Minimum depth of front yard:
  - a. On arterial streets ..... 50 ft. from right-of-way
  - b. On collector and local streets ..... 35 ft. from right-of-way
  - c. Both sides of a corner lot along a street are considered “front yard”.
4. Minimum depth of rear yard:
  - a. Adjoining residential district ..... 25 ft.
  - b. All other lots ..... 15 ft.
5. Minimum width of side yard on each side:
  - a. All buildings (without a firewall) ..... 15 ft.
  - b. Adjacent to residential district ..... 25 ft.

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

6. Maximum building area.....40% of total area

7. Screening

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

F. MAXIMUM BUILDING HEIGHT

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

G. PARKING REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article III, Section 8 of this Zoning Ordinance.

H. ACCESS REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article III, Section 9 of this Zoning Ordinance.

I. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the C-2 District shall conform with the provisions of Article III, Section 9 of this Zoning Ordinance.

J. M-1, MIXED RESIDENTIAL-COMMERCIAL DISTRICT

A. GENERAL DESCRIPTION

The purpose of the Mixed Residential-Commercial District is to accommodate a variety of residential and commercial developments, as uses permitted on appeal (special exceptions), within the municipality. These uses shall have direct access to highways and those municipal streets having the status of being major collectors in the community.

Within the M-1 District, the following regulations shall apply:

B. PERMITTED USES

There are no permitted uses in the Mixed Residential-Commercial District, with all residential and commercial developments requiring approval by the Gordonsville Board of Zoning Appeals, as uses on appeal (special exceptions) following a public hearing.

C. PROHIBITED USES

Any prohibited uses found in the R-2 and C-2 districts of the town's zoning ordinance, and any other uses deemed to be incompatible with the purpose and character of the M-1 District.

D. **MINIMUM LOT AREA, WIDTH, AND YARD REQUIREMENTS**

For developments of a residential nature, the minimum lot area, width, and yard requirements shall adhere to the standards and regulations of the R-2 District of the municipality's zoning ordinance.

For developments of a commercial nature, the minimum lot area, width, and yard requirements shall meet the standards and regulations of the C-2 District of the zoning ordinance.

E. **PARKING REQUIREMENTS**

Uses in the M-1 District shall conform with the provisions of Article III, Section 7, of this zoning ordinance.

F. **ACCESS REQUIREMENTS**

Uses in the M-1 Districts shall conform with the provisions of Article III, Section 8, of this zoning ordinance

G. **OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS**

Uses in the M-1 District shall conform with the provisions of Article III, Section 9 of this zoning ordinance.

SECTION 5 (Amended Ordinance 03-04-01)

***I-1 LIGHT INDUSTRIAL DISTRICT***

A. **GENERAL DESCRIPTION**

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

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

B. **PERMITTED USES**

1. Light manufacturing and assembly uses.
2. General office buildings, vocational learning and training centers and trade school, on-site day care centers, general contractors and specialty contractors.
3. Public and semi-public uses.
4. Public utility structures, fire and police stations.
5. Essential utility services and facilities.
6. Storage and Warehousing as principal uses.

7. Nursery wholesale
8. Restaurants that serve the industrial community
9. Industrial machinery and supply sales
10. Heavy equipment sales
11. Cold storage plant
12. Distribution center
13. Self-service storage
14. Veterinarian hospitals and kennel
15. Agricultural supplies
16. Equipment sales and repairs.
17. Accessory uses or structures customarily incidental to the above permitted uses.

C. USES PERMITTED ON APPEAL (SPECIAL EXCEPTIONS)

After public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit as special exceptions:

1. Public parks and public recreational facilities meeting the following conditions:
  - a. A minimum lot area of one-half (1/2) acre with a minimum lot width of fifty (50) feet at the building setback line shall be provided.
  - b. The minimum depth of the front yard shall be thirty-five (35) feet and the minimum depth of the side and rear yards shall be twenty-five (25) feet. The minimum side yard on street side corner lots shall be thirty-five (35) feet.
  - c. The maximum lot coverage for all enclosed buildings shall be ten (10) percent.
2. Petroleum products dealers and wholesalers provided that the following conditions are complied with:
  3. Shall not be located adjacent to any residential district.
  4. Shall be in conformance with all federal, state or local environmental, fire, safety; or other applicable codes or laws.
  5. Above ground storage of flammable materials shall be a minimum of one hundred (100) feet from all property lines.
6. Truck terminals and transfer stations.
7. Building material storage yards for the storage of new materials where 75 percent or greater is stored under roof.
8. The outside storage of materials providing that the following conditions are complied with:
  9. Shall be fenced and shall be screened with opaque screening.
  10. Shall be located in the rear yard only.
  11. Shall be located on the same property as the principal use.
12. Churches and other places of worship, and parish houses and stations.
13. Concrete ready-mix plant that meets the requirements of paragraph C-5.

D. PROHIBITED USES

1. Outside storage of unscreened material.
2. Any use not specifically permitted or permitted upon appeal.

E. MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

All buildings or structures, including accessory structures, hereafter constructed in the I-1 District shall be located so as to comply with the following requirements:

1. Minimum lot requirements None except as necessary to meet all other requirements.
2. Minimum depth of front yard.....50 ft.
3. Minimum depth of rear yard.....50 ft.
4. Minimum depth of side yard.....30 ft.
5. On lots adjacent to a residential district, all rear and side yard setback requirements of the adjacent residential district, in greater than required in the industrial district, shall be provided.
6. Maximum building area: None except as necessary to meet all other requirements.
7. Landscape treatment:

Where a lot line is shared with an adjoining residential lot the owner of the industrial lot shall provide opaque screening in conformance with Section 14-601 of this Official Zoning Code along the entire shared lot line so as to provide a pleasant screen between the two different but contiguous land uses.

F. PARKING REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article III, Section 7 of this Zoning Ordinance.

G. ACCESS REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article III, Section 8 of this Zoning Ordinance.

H. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article III, Section 9 of this Zoning Ordinance.

I. MAXIMUM BUILDING HEIGHT

A building height of fifty (50) feet or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five (35) feet or three (3) stories in building height.

J. SIGN REQUIREMENTS

Uses in the I-1 District shall conform with the provisions of Article VI, Section 2 of this Zoning Ordinance.

***I-2 HEAVY INDUSTRIAL DISTRICT***

A. GENERAL DESCRIPTION

This industrial district is provided for heavy manufacturing uses and processes with which are associated noise, odor, smoke, dust, glare, or other objectionable characteristics.

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

B. PERMITTED USES AND STRUCTURES

1. Heavy manufacturing establishments, processes and facilities such as: the processing of primary metals, quarrying and mining operations, sawmills and other uses of a similar character.
2. Gasoline and oil storage above ground provided no storage tank or building shall be closer than one-hundred feet to any property line.
3. Any necessary use or building customarily incidental to the above permitted uses.
4. Essential utility services and facilities.

C. USES AND STRUCTURES PERMISSIBLE UPON APPEAL (SPECIAL EXCEPTIONS)

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

D. PROHIBITED USES AND STRUCTURES

Dwellings and any commercial or other use not expressly permitted or permissible upon approval by the Board of Zoning Appeals.

E. AREA REGULATIONS

All buildings, structures, and principal operations shall be located so as to comply with the following minimum requirements:

1. Minimum depth of front yard ..... 50 ft.
2. Minimum depth of rear yard..... 50 ft.
3. Minimum width of side yards..... 40 ft.

4. Minimum width of side yards on corner lots ..... 50 ft.
5. Minimum Setback from any adjoining Residential or Agricultural District..... 100 ft.
6. Landscape treatment
  - a. On-site improvements shall be properly landscaped and buffered to prevent any noticeable noise, dust, or obnoxious odors which would injure or disturb adjoining properties.
  - b. The landscaping used shall not interfere with sight distances of motorists, nor obstruct needed views of buildings or their means of identification. All landscaping should be designed so as to require the minimum amount of maintenance. (See Buffer Strip in Article II Definitions.)

F. PARKING REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Article III, Section 7 of this Zoning Ordinance.

G. ACCESS REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Article III, Section 8 of this Zoning Ordinance.

H. OFF-STREET LOADING AND UNLOADING SPACE REQUIREMENTS

Uses in the I-2 District shall conform with the provisions of Article III, Section 9 of this Zoning Ordinance.

SECTION 7 (Amended Ordinance 03-04-01)

***A-1 AGRICULTURE DISTRICT***

A. GENERAL DESCRIPTION

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

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

B. PERMITTED USES

1. Farm homes and single-family detached dwellings, excluding mobile homes.
2. Barns, greenhouses and other structures as accessory buildings customarily incidental to the aforementioned permitted uses.
3. Churches and other places of worship, and parish houses.
4. Essential utility services and facilities.

C. USES PERMITTED ON APPEAL (Special Exceptions)

Following the submittal of a development plan (see Article VII, Section 3), for the purposes of determining the impact on the surrounding residential and agricultural uses including provision of

parking, possible traffic or other safety hazards, and nuisances, the Board of Zoning Appeals may also permit as special exceptions:

1. Mobile homes on individual lots provided that provisions of Section 3(A) of Article VI of the Zoning Ordinance are complied with.
2. Public libraries; schools offering general education courses; golf courses; public parks and public recreational facilities; municipal, county, state or federal uses, except general office buildings; public utilities, except storage and warehouse areas; cemeteries (per Article VI, Section 4-B); and philanthropic institutions and clubs, except a club, the chief activity of which is customarily carried out as a business.
3. Bed and breakfast establishments by the family residing on the premises (see Article VI, Section 8).
4. Home Occupations, including professional offices (except medical or dental clinics), studios, in-home day care center for no more than 7 children (per Article VI, Section 10A), or other customary incidental home occupations. All home occupations subject to specific requirements in Article VI, Section 4C.

D. USES PROHIBITED

Any use not specifically permitted or permitted on appeal is prohibited.

E. MINIMUM LOT AREA, WIDTH AND YARD REQUIREMENTS

The principal building shall be located so as to comply with the following requirements:

1. Minimum Width at the Building line..... 75 ft.
2. Minimum depth of front yard:
  - a. Local street..... 40 ft.
  - b. Collector street..... 50 ft.
  - c. Arterial street ..... 60 ft.
3. Minimum depth of rear yard..... 30 ft.
4. Minimum width of side yard on each side:
  - a. One or two story building ..... 25 ft.
  - b. Three story building..... 35 ft.
5. Minimum width of side yards on corner lots shall be 40 feet.
6. Minimum Lot area ..... 1 acre.

F. LOCATION OF ACCESSORY BUILDINGS

1. No accessory building shall be erected in any front or side setback area.
2. Accessory buildings and detached garages shall not cover more than thirty (30) percent of the required rear yard and shall be at least five (5) feet from all lot lines and fifteen (15) feet from any other building on the same lot.
3. A carport or garage, if attached to the principal dwelling, is considered a part of the principal structure.
4. On any corner lot, adjoining in the rear another lot which is in an agricultural or residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line than the depth of any required front yard for a dwelling along such side street.

G. BUILDING AREA

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

H. MAXIMUM BUILDING HEIGHT

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

I. PARKING REQUIREMENTS

Uses in the A-1 District shall conform with the provisions of Article III, Section 7 of this Ordinance.

J. ACCESS REQUIREMENTS

Uses in the A-1 District shall conform with the provisions of Article III, Section 8 of this Ordinance.

SECTION 8 (Amended Ordinance 03-04-01)

***F-1 FLOODWAY DISTRICT***

A. FLOODWAY DISTRICT

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

1. Floodways Established.

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

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

- a. Along the Caney Fork, Mulherrin Creek, Hickman Creek and Agee Branch. The floodway as delineated by the Flood Insurance Study, Town of Gordonsville, Tennessee, Smith County, and all subsequent revisions thereto. The boundaries of the floodway shall be shown on the official Zoning Map of the Town of Gordonsville, Tennessee. The Flood Insurance Study adopted in 1999 shall be

kept and maintained by the building inspector and shall be available for inspection and examination by the public during normal office hours.

- b. Along sinkholes and other low places and other areas of shallow flooding (AO and AH Zones). All lands lying below the elevation of the lowest point in the watershed boundary unless a study prepared by a registered professional engineer demonstrates that a lower elevation would be safe from the danger of inundation by the 100-year flood.
- c. Along areas of unmapped streams subject to special flood hazard. All small streams and creeks subject to periodic flooding which are unmapped and unzoned on Gordonsville's flood insurance rate map but are depicted either on U.S.G.S. topographic maps or as streams or tributaries on any of Gordonsville's official flood maps are subject to the requirements as cited within Article VI, Section 1 of this Ordinance.

## 2. Uses Permitted

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

- a. Uses permitted in the floodway district adjacent to residential districts:
  - (i) Agriculture and forestry uses, general farming, truck gardening, cultivation of field crops, orchards, nurseries, turf farming, livestock grazing, and other uses of a similar nature.
  - (ii) Open-type public and semi-public recreational uses or facilities such as golf courses, driving ranges, archery ranges, picnic grounds, parks, playgrounds, and other uses of a similar nature provided no principal structure is located within the floodway.
  - (iii) Yard areas, lawns, green and open spaces, wildlife habitat and refuges, hiking trails, nature trails, bikeways, and other uses of a similar nature.
  - (iv) Railroads, streets, and bridges, provided "no-rise" certificates are submitted therewith.
  - (v) Public or private utilities.
  - (vi) Marinas and boat launching ramps provided that no principal buildings are located within a floodway.
- b. Uses permitted in floodway adjacent to commercial and industrial districts:
  - (i) Any of the above permitted uses.
  - (ii) Loading and unloading areas, parking lots, and other uses of a similar nature provided no principal structure is located within the floodway.

## 3. Uses Prohibited

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

4. Requirements for Permitted Uses for Areas of Special Flood Hazard with Established Base Flood Elevation and with Floodways Established

Located within all areas of special flood hazard where streams exist with base flood data and floodways also provided, the following provision applies:

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

- a. No new structure for human habitation, including manufactured homes as defined in Article VI, Section 1, modular homes, or cabins shall be permitted within any designated floodway.
- b. The following shall not be placed or caused to be placed in any designated floodway or in any stream channel: fences (except one-or two-wire stock fences), dams, embankments, levees, dikes, piles, abutments, fill, culverts, bridges, structures, or matter in, along, across, or projecting into the floodway or stream channel which may constrict, retard, impede, or change the direction of the flow of floodwaters, either in itself or by catching debris carried by such water, or that is placed where the flow of floodwaters might carry the same downstream to the detriment of life or property.
- c. When a developer proposes to offset the effects of a development in the floodway or on the flood-carrying capacity of any stream by the construction of channel improvements, he shall submit to the planning commission an engineering study which fully evaluates the effects of such development. The study shall use the 100-year flood as herein defined as the basis of such analysis. All adjacent communities and the Tennessee Local Planning Assistance Office shall be notified by the developer via certified mail of all such intended activities prior to any alteration or relocation of a watercourse, and he shall submit copies of such notifications to the Federal Insurance Administrator. In addition, the developer shall assure the Town of Gordonsville, in writing, that the altered or relocated portion of the watercourse will be maintained such that its flow capacity is not diminished by debris accumulation, silt deposition or vegetative growth.
- d. Within any designated floodway, any building or structure in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means may be reconstructed and uses as before only if all the requirements are met:
  - (i) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.
  - (ii) Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation is at least one (1) foot above the level of the 100-year flood or the structure is floodproofed (in accordance with

- the requirements of Article VI, Section 1) to a height of at least one (1) foot above the level of the 100-year flood.
- (iii) Residential structures may be reconstructed only if the lowest floor (including basement) of the structure is elevated to a point above the level of the 100-year flood, in accordance with the requirements of Article VI, Section 1.
  - (iv) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study, Town of Gordonsville, Tennessee, by such reconstruction.
- e. No permit shall be issued for the construction or erection of any structure (temporary or permanent), including railroads, streets, bridges and utility, or for other development (temporary or permanent) within a designated floodway until the plans for such development have been submitted to the planning commission, and approval is given in writing for such construction or use.
- f. In its review of the plans submitted, the planning commission shall be guided by the following standards, keeping in mind that the purpose of the floodway is to prevent floodplain encroachment which will increase flood heights or endanger life or property:
- (i) No structure (temporary or permanent), fill (including fill for roads, levees, railroads, etc.), culvert, bridge, storage of equipment or materials, or other development shall be permitted which, acting alone or in combination with existing or future uses, decreases the flow capacity of the floodway or increases flood heights.
  - (ii) Any permitted structure or filling of land shall be designed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of flood waters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjacent structures.
  - (iii) Any permitted structure shall be of adequate structural strength to withstand the effects of water pressure and flood velocities and shall be firmly anchored to prevent flotation or lateral movement.

## ARTICLE VI

### SUPPLEMENTARY REGULATIONS (Amended Ordinance 01-09-24)

For the purpose of the Zoning Ordinance these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

#### SECTION 1

#### LAND SUBJECT TO FLOODING

##### A. DELINEATION OF LAND SUBJECT TO FLOODING

For the purpose of this section, land subject to flooding shall be delineated as those areas within the Town of Gordonsville shown as Areas of Special Flood Hazard on the Flood Insurance Rate Maps for the Town of Gordonsville, Tennessee, Smith County Community Panel Numbers 470395-0001 and 470395-0002 dated July 7, 1999, and any subsequent amendments thereto.

##### B. FINDINGS OF FACT

1. The Gordonsville Mayor and Board of Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
2. Areas of Gordonsville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

##### C. STATEMENT OF PURPOSE

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

D. OBJECTIVES

The objectives of this section are:

1. To protect human life and health;
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;
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, street 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;
7. To ensure that potential buyers are notified that property is in a floodable area; and,
8. To establish eligibility for participation in the National Flood Insurance Program.

E. DEFINITIONS

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

"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 independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Building Official'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 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", for purposes of this section, 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, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"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 section which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this section.

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this section.

"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, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

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

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

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

"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 an abnormal tidal surge, 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 one foot.

"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, next 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 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 a state inventory of historic places in 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 in 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 in states without approved programs.

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

"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 (FHBM) 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 purposes of this section, 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" any structure for which the "start of construction" commenced on or after the effective date of this section. The term also 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 on or after the effective date of this section.

"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 projections;
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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

"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 reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (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 identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions 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 section which permits construction in a manner otherwise prohibited by this section 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 section 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 flood plains of coastal or riverine areas.

F. GENERAL PROVISIONS

1. Application

2. Requirement for Development Permit

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

3. Compliance

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

4. Warning and Disclaimer of Liability

The degree of flood protection required by this section 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 section does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the Town of Gordonsville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

G. ADMINISTRATION

1. Designation of Zoning Official

The Zoning Official is hereby appointed to administer and implement the provisions of this section.

2. Permit Procedures

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

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

a. Application stage

- (i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.
- (ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.
- (iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available.
- (iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Zoning Official shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building above the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish the elevation of the highest adjacent grade.

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

3. Duties and Responsibilities of the Zoning Official

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

- a. Review of all development permits to assure that the requirements of this section have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- b. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of

such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

- c. 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.
- d. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article VI, Section 1.G.2.B.
- e. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article VI, Section 1.G.2.B.
- f. When flood-proofing is utilized, the Zoning Official shall obtain certification from a registered professional engineer or architect, in accordance with Article VI, Section 1.G.2.B.
- g. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Zoning Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article VI, Section 1.I.
- h. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this section.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Zoning Official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Article VI, Section 1.G.2.

- i. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Zoning Official 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.
- j. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

H. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. General Standards

In all flood prone areas the following provisions are required:

- a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- b. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- e. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
- j. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not extended.

2. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Article VI, Section 1A, the following provisions are required:

- a. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article VII. Section H.2.A.
- b. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. 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 standards of this subsection are satisfied. Such certification shall be provided to the Zoning Official as set forth in Article IV, Section 1H.2.C.

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

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

---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;

---The bottom of all openings shall be no higher than one foot above grade; and

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

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

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article VI, Section 1.H.2 of this Ordinance.

d. Standards for Manufactured Homes and Recreational Vehicles

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

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

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

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

---In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article IV, Section 1.H.2.d above.

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

---Be on the site for fewer than 180 consecutive days;

---Be fully licensed and ready for highway use; or

---The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article IV, Section 1.H.2d(I) or (ii) above.

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

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article IV, Section 1.G.3.h. shall be utilized for all requirements relative to the base flood elevation or floodways.

3. Standards for Areas of Special Flood Hazard Zones A1-30 and AE With Established Base Flood Elevation But Without Floodways Designated

Located within the areas of special flood hazard established in Article IV, Section 1A, where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

- a. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- b. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article IV, Section 1.H.2.

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

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

- a. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- b. All new construction and substantial improvements of nonresidential buildings shall:
  - (i) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
  - (ii) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the areas of special flood hazard established in Article IV, Section 1.A. are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

All provisions of Article IV, Section 1.G and H.1 and H.8 shall apply.

6. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation and With Floodways Designated

Located within the areas of special flood hazard established in Article IV, Section 1.A. where streams exist with base flood data and floodways provided, the following provisions apply:

- a. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- c. If Article IV, Section 1.H.6.a above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article IV, Section 1.H.2.

7. Standards For Unmapped Streams

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

- a. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
- b. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article IV, Section 1.G.2.6.

8. Standards for Subdivision Proposals

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

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

I. VARIANCE PROCEDURES

The provisions of this Section shall apply exclusively to areas of special flood hazard.

1. Board of Zoning Appeals

- a. The Gordonsville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this section.
- b. 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.
- c. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, and

- (i) The danger that materials may be swept onto other property to the injury of others;
  - (ii) The danger to life and property due to flooding or erosion;
  - (iii) The susceptibility of the proposed facility and its contents to flood damage;
  - (iv) The importance of the services provided by the proposed facility to the community;
  - (v) The necessity of the facility to a waterfront location, in the case of a functionally dependant facility;
  - (vi) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (vii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and
  - (x) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- d. Upon consideration of the factors listed above, and the purposes of this section, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this section.
  - e. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

## 2. Conditions for Variances

- a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- d. The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## SECTION 2

### SIGNS, BILLBOARDS & OTHER ADVERTISING STRUCTURES

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

#### **A. Purpose and Intent**

1. Safety. Construct and display signs in a manner that allows pedestrians and motorists to identify, interpret, and respond in an efficient and discerning manner to the following:
  - information related to public traffic control, directions, and conditions;
  - movement of all other pedestrians and vehicles that impact traffic on a given travelway; and
  - information other than public traffic related when displayed in a manner which is clear, concise, and noncompeting with public traffic information.
2. Protection of minors. Prohibit the location of signs that are harmful, or potentially harmful, to minors that include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks, or breasts.
3. Graphic continuity and aesthetics. Organize signs in a manner that reduces visual clutter and integrates signs with all other elements of the site and environs by limiting the size, location, and design of signs so that pedestrians and motorists have an equal right to view buildings, structures, and natural features in the foreground and background.
4. Identification of activities and services. Based on the community's need to know, provide for signs that identify the marketplace and the opportunities provided by the community.

#### **B. Definitions**

**BANNER SIGN.** A sign usually of cloth, paper, plastic or other non-rigid material with no enclosing framework that is fastened or otherwise attached to support structures spanning horizontally or overhanging an area and temporary in nature.

**BILLBOARD SIGN OR OFF-PREMISES SIGN.** A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, and which sign is a permanent structure on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel, in exchange for rent, fee or other consideration.

**CHANGEABLE COPY SIGN.** A sign on which copy is changed manually in the field with changeable letters.

**ELECTRONIC DISPLAY SCREEN.** A sign, or portion of a sign, that displays an electronic image which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens and LED screens.

ELECTRONIC MESSAGE CENTER. Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequences of messages and the rate of change is electronically programmed and can be modified by electronic processes.

MANSARD SIGN. A sign attached to a roof-like facade architecturally comparable to a building wall. For the purpose of these regulations the area of the mansard shall be determined by multiplying the width by the total vertical height, ignoring any slope.

PORTABLE SIGN. A sign which is designed to be readily transportable from place-to-place, and not permanently attached to a footer or masonry foundation.

ROOF SIGN. Any sign erected or maintained upon or attached to a roof or building.

### **C. General Provisions**

1. Sign permit required. For all signs allowed in any zoning district established by this ordinance, the following regulations shall apply unless otherwise specifically stated in this ordinance:

- an application for a sign permit shall be submitted to the Town Recorder on forms furnished by City Hall, and any fees established for review of said application shall be paid to the Town of Gordonsville, and said application shall be approved by the Building Inspector signified by the issuance of a sign permit prior to the erection, relocation, major alteration, or modification, of any sign which requires a sign permit as herein stipulated; and
- on any existing sign 1) the replacement of the sign face area with anything other than a duplication of the existing sign face area, 2) the addition of an electronic message center, or 3) the conversion of said existing sign to a multi-prism or electronic display screen shall be classified as a major alteration or modification which requires a sign permit.

2. Design for permanency required. All permanent signs shall be constructed of highly durable materials, and shall be permanently affixed to the ground or building, unless otherwise exempted in this Section.

3. Maintenance. All signs shall be maintained in good surface and structural condition, and in compliance with all building and electrical codes.

### **D. Exempt Signs.**

The following on-premises signs are exempt from the operation of this Section, (i.e. the obtaining of a sign permit) provided that they are not placed or constructed in a manner that will obstruct vision at intersecting streets, or where private driveways intersect a public street, or so as to create a hazard of any kind through the obstruction of vision by motorists and pedestrians.

1. Within nonresidential districts, signs that are displayed for the safe direction of the public on the property such as signs which identify entrances, exits, drive-thru windows, parking areas, loading areas, or signs of a similar nature. Such signs shall not exceed twelve (12) square feet in area and shall adhere to the height and setback requirements for permanent, on-premises ground signs.

2. Signs necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control, or directional signs erected on public property and rights-of-way with permission as appropriate from the Town of Gordonsville or the State of Tennessee.
3. Legal notices and official instruments.
4. Holiday lights and decorations.
5. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards for nonresidential users.
6. Signs carried by a person when the person does not receive any financial compensation.
7. Banner signs of twelve (12) square feet or less in size.
8. Temporary signs which do not exceed thirty-two (32) square feet in area, up to one-hundred and twenty (120) days prior to an election, that adhere to the height and setback requirements for permanent, on-premises ground signs and are removed within fourteen (14) days after the election.
9. Temporary displays and signs behind storefront windows which are not affixed permanently to the glass, nor intended for permanent display, and non-illuminated provided that such temporary signs do not cover more than fifty (50) percent of the total surface area of the storefront window.
10. Memorial signs or tablets when cut into any masonry surface or when constructed of incombustible materials and attached to the surface of a building.
11. Signs incorporated into machinery or equipment by a manufacturer or distributor, such as those customary affixed to vending machines and fuel pumps.
12. In residential districts, any non-commercial sign of a type described below which does not exceed four (4) square feet in area:
  - a. Signs located on the front of the house itself or a fence in front of the house, two (2) signs per lot.
  - b. A mailbox sign.
13. Temporary or permanent signs identifying safety or traffic-control measures on private property such as "Stop", "Yield" and similar signs, the face of which complies with the standards of the "Manual for Uniform Traffic Control Devices".
14. Temporary signs which do not exceed six (6) square feet in area, which are limited to one per lot, which are erected no sooner than seven (7) days before any yard sale event and are removed within three (3) days after the event.
15. Temporary signs on active construction sites in residential districts which do not exceed nine (9) square feet in area, which are limited to one per lot, and which are installed after issuance of a building permit and removed upon issuance of a certificate of compliance with the building permit.

16. Temporary signs on active construction sites in nonresidential districts which do not exceed thirty-two (32) square feet in area, which must be spaced at least one hundred (100) feet apart, and which are installed after issuance of a building permit and removed upon issuance of a certificate of compliance with the building permit.

17. Temporary signs on real property that is for sale or will be for sale within thirty (30) days in residential districts which do not exceed nine (9) square feet in area per sign, and which are limited to one ground sign per street frontage and one building sign with wall attachment per dwelling unit.

18. Temporary signs on real property that is for sale or will be for sale within thirty (30) days in nonresidential districts which do not exceed thirty-two (32) square feet in area per sign, and which are limited to one ground sign per street frontage and one building sign with wall attachment.

19. Temporary signs which do not exceed thirty-two (32) square feet in area and are limited to one sign at the site of an event may be erected no sooner than fourteen (14) days before an event held by a public or nonprofit organization and must be removed within seven (7) days after the event.

20. An on-premises ground or on-premises building sign oriented toward a food service drive-through lane. The total sign area shall not exceed sixty (60) square feet and a maximum height of ten (10) feet. The sign shall be located within thirty (30) feet of the point at which orders are taken from the motor vehicle.

21. Signs located on athletic fields, if oriented toward the field of play.

22. Temporary signs which do not exceed thirty-two (32) square feet in area may be erected no sooner than twenty-one (21) days before an auction and must be removed within three (3) days after the auction.

23. In an agricultural district, signs erected during the time that agricultural products are for sale that do not exceed thirty-two (32) square feet in area, are not illuminated, and are not a prohibited sign as set forth in Paragraph E of this Section.

**E. Prohibited Signs.**

It is unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from this Section. Any prohibited signs may be removed by the Town of Gordonsville after notice to the property owner or occupant to remove such sign(s) within three (3) days. The following signs are expressly prohibited.

1. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, on which the copy does not remain fixed, static, motionless, and non-flashing for a period of eight (8) seconds or more with all copy changes occurring instantaneously without any special effects.

2. Signs with any copy, graphics, or digital displays, that change messages by electronic or mechanical means in the R-1, R-2, C-1, or A-1 Districts, and in the C-2 District, except adjacent to State Route 53, provided that this prohibition shall not apply to signs existing as of January 1, 2021.

3. Sign display areas with varying light illumination and or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or conveying the illusion of movement.
4. Illumination of signs with any copy, graphics or digital displays that change messages by electronic or mechanical means existing in R-1 and R-2 Districts as of January 1, 2021 between 9:00 p.m. and 6:00 a.m.
5. Ground or building signs that are electronic display screen billboards, including the conversion of existing billboards to electronic display screen billboards, less than two-thousand (2,000) feet apart. The spacing distance shall be measured along the roadway that the billboard is located adjacent to and shall be measured from billboard to billboard regardless of the side of the roadway on which the billboard is located, the billboard's orientation on that roadway or public street classification.
6. Video, continuous scrolling messages, and animation signs.
7. Signs that incorporate projected images or emit any sound that is intended to attract attention.
8. Signs within ten (10) feet of public right-of-way or within one one-hundred (100) feet of traffic-control lights that contain red or green lights that might be confused with traffic-control lights.
9. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way.
10. Strings of incandescent bulbs with wattage in excess of ten (10) watts per bulb used in C-1 or C-2 Districts for commercial purposes other than temporary holiday decorations.
11. Portable signs.
12. Signs displaying copy that is harmful to minors.
13. Signs advertising customary home occupations in R-1 and R-2 Districts.
14. Billboards and other off-premises signs in R-1 and R-2 Districts.

**F. Permitted On-Premises Temporary Signs.**

On-premises temporary signs are allowed subject to the restrictions imposed by this Section.

1. Sign types allowed. A temporary sign may be an on-premises ground or on-premises building sign, but may not be constructed of or operated by electrical, electronic or mechanical parts. Banners are defined as being temporary signs.
2. Restrictions on on-premises temporary signs. Any on-premises temporary sign may display any message as long as it is:
  - a. not harmful to minors; and

b. posted during, or up to thirty (30) days prior to a period in which 1) an owner, either personally or through an agent, is attempting to sell, rent, or lease the property on which the sign is located, or, 2) a business is opening, changing use, changing location, or going out of business; or

c. posted during or up to fourteen (14) days prior to a period in which the property is hosting an event such as a fair, carnival, circus, church revival, sporting event, flea market, or any public, charitable, educational or religious event or function; or

d. posted during or up to twenty-one (21) days prior to a period in which a vacant lot or temporary structure, such as a tent, is being used to offer goods for sale.

3. Permissible height, number, and setback for temporary ground signs. On-premises, temporary ground signs shall not exceed six (6) feet in height above the ground and be limited to one (1) per lot. Temporary on-premises ground signs that do not extend more than two and one-half (2½) feet above the ground shall be set back at least two (2) feet from the public right-of-way. All others shall be set back at least ten (10) feet from the public right-of-way.

#### **G. Permitted On-Premises Permanent Signs.**

1. Sign types allowed. A permanent on-premises sign may be permitted as a ground sign or building sign.

2. Setback and height restrictions for on-premises permanent ground signs not located adjacent to State Route 53. On-premises permanent ground signs that do not extend more than two and one-half (2½) feet above the ground shall be set back at least two (2) feet from public right-of-way. On-premises ground signs that extend above two and one-half (2½) feet but less than ten (10) feet above the ground shall be set back at least fifteen (15) feet from the public right-of-way. On-premises permanent ground signs that have the bottom of the sign face area extending ten (10) or more above the ground shall be set back at least ten (10) feet from the public right-of-way.

3. Setback restrictions for on-premises permanent ground signs located adjacent to State Route 53. No portion of an on-premises permanent ground sign shall be within two (2) feet from Tennessee Department of Transportation right-of-way for State Route 53.

4. Sign construction materials. All permanent on-premises signs shall be constructed of a rigid, weatherable material such as hard plastic, wood, marine grade (MDO) plywood, aluminum, or steel.

5. On-premises permanent building signs shall not extend above the roof line of the structure and signs attached to a building wall shall not extend above the top of the wall or parapet more than eighteen (18) inches.

#### **H. Permitted On-Premises Signs in R-1 and R-2 Districts.**

Permanent on-premises ground and building signs are permitted subject to the following restrictions.

1. Permanent signs indicating name, address, house number, historical context, or advancement of rooms for rent affixed on the front of the house itself or a fence in front of the house or a mailbox

with sign face size not to exceed four (4) square feet in area and not more than two such signs per parcel.

2. Permanent signs relating to private parking, trespassing or dangerous animals affixed on the front of the house, a fence in front of the house or as a permanent ground sign with sign face size not to exceed four (4) square feet in area and not more than two such signs per parcel.

3. For apartment buildings, mobile home parks and subdivisions consisting of ten (10) or more lots, one permanent double-sided sign located perpendicular to the public street and not to exceed thirty-two (32) square feet per sign face.

**I. Permitted On-Premises Signs for Community Facilities Located in R-1 and R-2 Districts.**

1. Any church, school, childcare facility or public building located in R-1 and R-2 Districts shall be allowed one (1) permanent ground sign with a sign face area not exceeding fifty (50) square feet. If a double-sided sign is used located perpendicular to the public street, the sign face area per sign face shall not exceed fifty (50) square feet.

2. Changeable copy signs shall not exceed seventy-five (75) percent of the total permitted sign face area.

**J. Permitted On-Premises Signs in C-1, C-2, I-1, I-2 and A Districts.**

1. Each commercial or industrial premise (including agribusiness) shall be allowed one (1) on-premise permanent ground sign. On-premise permanent ground signs shall not exceed two hundred (200) square feet in sign face area. No part of any on-premise permanent ground sign shall be placed closer than twenty-five (25) feet from any other on-premise sign located on a different premise or any off-premise ground sign as measured to any portion of the existing sign. No part of any on-premise ground sign shall be higher than thirty-five (35) feet from street level at a point on the street nearest the sign.

2. Each commercial or industrial establishment shall be allowed permanent building signs on each outside wall provided that the sign face area of such signs do not exceed twenty-five (25) percent of the area of the wall upon which the sign is affixed. For multitenant buildings, the principal building may display one (1) on-premise building sign with a sign face area not to exceed twenty-four (24) square feet. Each occupant of a multiple occupancy complex may display not more than two (2) permanent building signs on any exterior viewed portion of the complex that is part of the occupant's unit provided that the sign face area of such signs does not exceed fifteen (15) percent of such exterior viewed wall area.

3. Each commercial or industrial establishment shall be allowed one (1) mansard sign or one (1) roof sign for each mansard or roof provided that the sign face area of such signs does not exceed twenty-five percent (25) of the area of mansard or roof on which it is erected. For multitenant buildings the sign face area of the mansard or roof sign for each occupant shall not exceed twenty-five (25) percent of the area of that occupant's portion of the mansard or roof.

**K. Permitted Off-Premises Signs**

1. Location of off-premises signs. Off-premises signs shall only be permitted on parcels in the C-2 District adjacent to the right-of-way of State Route 53 and on parcels adjacent to Interstate 40. All portions of the structure of off-premises signs adjacent to the right-of-way of Interstate-40

shall be within one-hundred (100) feet from the right-of-way line. Off-premises signs shall not be located within one-hundred (100) feet from any "on ramp" or "off ramp" at the State Route 53/Interstate 40 Interchange.

2. Size, height and spacing restrictions for off-premises signs in the C-2 District adjacent to State Route 53. The maximum sign face area shall not exceed three-hundred (300) square feet. The maximum height of any part of the sign structure shall not exceed fifty (50) feet from street level at a point on the street nearest the sign. The bottom of the sign face shall be fifteen (15) feet or greater clearance from the ground beneath the sign. All portions of the structure of the off-premises signs shall be spaced twenty-five (25) feet or greater distance from all portions of the structure of any on-premises permanent ground sign. An off-premises sign shall be a minimum distance of one-thousand (1,000) feet from any other off-premises sign. Off-premises signs may incorporate back-to-back sign face panels when the panels are placed parallel to one another or are placed at an angle between panels not exceeding forty-five (45) degrees. All off-premises signs shall be of monopole type construction. Off-premises signs shall not be attached to any portion of any building.

3. Size, height and spacing restrictions for off-premises signs in the corridor extending a distance of one-hundred (100) feet from either side of the right-of-way of Interstate 40. The size, height and spacing requirements shall comply with the latest revision of Rules of the Tennessee Department of Transportation Maintenance Division Chapters 1680-02-03-.03 and 1680-02-03-.05 and shall be a minimum of two-hundred (200) feet from any residential structure.

## SECTION 3

### MOBILE HOMES & MOBILE HOME PARKS

#### A. MOBILE HOMES ON INDIVIDUAL LOTS

Single-wide mobile homes are not allowed on an individual lot, but shall be located in an approved mobile home park.

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

- Materials used for underpinning shall be block, stone, vinyl or metal suitable for external residential construction.
- Underpinning shall be painted to match the mobile home exterior.

#### B. MOBILE HOME PARKS

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

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

- a. Each mobile home park shall have a front yard setback of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
  - b. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
  - c. In instances where a side or rear yard abuts a public streets, said yard shall not be less than thirty (30) feet.
  - d. 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.
  - e. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
4. Dimensional Requirements for Mobile Home Spaces: Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:
- a. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
  - b. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
  - c. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15). No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
  - d. There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear side yard of said trailer space.
  - e. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
  - f. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be four thousand and four-hundred (4,400) square feet. For double-wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.
  - g. No mobile home park shall be permitted unless such park is served by a public water supply.
5. General Requirements:
- a. Road 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 Gordonsville Subdivision Regulations; and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
  - b. All mobile home spaces within the park shall abut an access road.

- c. Each mobile home space shall be provided with the connection to a public water and sewer line.
- d. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
- e. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
- f. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
- g. Ground anchors shall be installed at each mobile home space to permit tie downs of mobile homes.
- h. A buffer strip shall be planted around the external boundaries of the mobile home park (See Article III, Section 14).
- i. A fire hydrant shall be located within 500 feet of each mobile home as measured by the internal street system.
- j. The anchoring and tie down requirements of the State of Tennessee shall be adhered to.
- k. Mobile homes located in mobile home parks shall be underpinned. Materials used for underpinning shall be block, stone, vinyl or metal suitable for external residential construction. Underpinning shall be painted to match the mobile home exterior.
- l. In order to save water, master water meters will not be allowed. Each mobile home space shall be served by an individual water service line and meter.

6. Plans and Schedules Required:

With the exception of item d. below, the following information shall be shown on the required development plan (see Article III Section 13) at a scale no smaller than 1" = 100':

- a. The location and legal description of the proposed mobile home park.
- b. The location and size of all buildings, improvements and facilities constructed or to be constructed within the mobile home park.
- c. The proposed use of buildings shown on the development plan.
- d. A vicinity map showing the project site as it relates to surrounding streets and other natural and/or man-made features.
- e. The location, and size of all mobile home spaces.
- f. The location of all points of entry and exit for motor vehicles and the internal street.
- g. The location of all off-street parking facilities.
- h. The location of park and recreation areas.
- i. A listing of proposed recreational facilities and equipment.
- j. The name and address of the applicant.
- k. Topographic contours at 5 foot intervals.
- l. A comprehensive drainage plan.
- m. A time schedule for development, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- n. All mobile home parks which do not conform to the provisions of the zoning ordinance shall be governed in accordance with the provisions of Section 3 of Article III of this Ordinance.

## SECTION 4

### SPECIAL STANDARDS FOR CERTAIN USES

To accomplish the purposes of the Zoning Ordinance, special consideration is hereby given to certain uses. These uses shall comply with the following requirements regardless of the zoning district in which they may be located.

#### A. AUTOMOBILE SERVICE STATIONS

1. There shall be a building setback from all street right-of-way lines a distance of not less than forty (40) feet therefrom.
2. Gasoline pumps shall not be located closer than twenty-five (25) feet to any street right-of-way line.
3. Canopies covering pumps shall not be located closer than fifteen (15) feet of any street right-of-way.
4. Sign requirements as established in this Article VI, Section 2.
5. Tanks in excess of 500 gallons shall be underground and shall meet the installation requirements of the State of Tennessee Fire Marshall's Office.

#### B. CEMETERIES

1. The site proposed for any cemetery shall not interfere with the planned development of a system of streets as depicted on the community's Major Thoroughfare Plan and in addition said site shall have direct access to a thoroughfare.
2. Any new cemetery shall be located on a site containing not less than ten (10) acres.
3. All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty (30) feet from any property line or street right-of-way line.
4. All required yards shall be landscaped and maintained.
5. Proposals for cemeteries shall be approved by the planning commission.

C. INCIDENTAL HOME OCCUPATION

An incidental home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. For such uses the following regulations shall apply:

1. No stock in trade shall be displayed outside the dwelling.
2. No alterations to any building shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.
3. Only one (1) person, not a resident of the premises, shall be employed.
4. No more than 25 percent of the total floor area in any dwelling unit shall be devoted to such use.
5. Sign not to exceed 4 sq. ft., as established in Section 2-B of this Article.
6. No on-site retail sales shall be allowed.
7. Uses generating excessive traffic volumes or causing on-street parking problems will be prohibited.

D. SWIMMING POOLS

1. No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side yard.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition.

SECTION 5

GROUP HOUSING DEVELOPMENTS (Apartments)

A. APPLICATION AND DEVELOPMENT PLAN REQUIRED

1. Purpose: To provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing developments in excess of two residential structures on a single lot or tract of land, not subdivided.
2. An application shall be submitted to the planning commission consisting of a development plan (see Article III Section 13) drawn to a scale no smaller than 1" = 100' setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

B. REQUIRED DEVELOPMENT STANDARDS

1. Location --The site shall abut a public street and comprise a single lot or tract of land except where divided by public street.
2. Area requirements must comply with all the requirements of the R-2 zoning district. Maximum developmental density shall be 9 dwelling units per acre (4,840 square feet per dwelling unit). Minimum approvable lot size shall be 14,500 square feet. Minimum space between buildings shall be thirty (30) feet, with a minimum of five (5) additional feet required per each additional story above two (2) stories. Minimum distance between buildings and the side and rear property lines shall be thirty (30) feet, with an additional five (5) feet required per each additional story above two (2) stories. Minimum front

building setback shall be thirty-five (35) feet adjoining a local street, forty (40) feet adjoining a collector street, or forty-five (45) feet adjoining an arterial street.

3. Internal Driveways
  - a. Driveways in the apartment complex shall be a minimum of 18 feet in width.
  - b. Two (2) paved parking spaces shall be provided for each dwelling unit.
  - c. Driveways shall be privately constructed and maintained.
  - d. The base of driveways shall consist of crushed stone or gravel, six (6) inches in depth, compacted.
  - e. The surface of streets shall consist of asphalt or better materials, two (2) inches in depth, compacted.
  - f. The minimum pavement width of driveways shall be eighteen (18) feet.
  - g. Closed ends of dead-end streets shall provide a vehicular turn-around at least ninety (90) feet in diameter.
4. Public Street Access
  - a. The minimum distance between access points along public street frontage, centerline to centerline, shall be two-hundred (200) feet.
  - b. The minimum distance between the centerline of an access point and the nearest curb line or street line of a public street intersection shall be one-hundred (100) feet.
5. Utilities
  - a. The development shall be connected to the Gordonsville sanitary sewer system.
  - b. Six (6) inch water lines and fire hydrants shall be provided so that each structure is located within 500 feet of a hydrant, as measured by the interior street system.
6. Storage of Waste

Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
7. Service Building

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

## SECTION 6

### PARKING & STORAGE OF LARGE VEHICLES AND TRUCKS

In any residential or commercial district, no vehicle or trailer of any kind or type without current license shall be parked or stored on any lot other than in a completely enclosed building.

In any residential district, no truck of a rated capacity 3 tons or greater nor any other truck painted with any sign, nor any other vehicle or heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours, except in an enclosed building or otherwise screened from view.

## SECTION 7

### FENCES, WALLS, AND HEDGES

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

## SECTION 8

### BED AND BREAKFAST ESTABLISHMENTS AND SHORT-TERM RENTALS

#### SECTION

- A. **Definitions**
- B. **Standards for Bed and Breakfast Homes**
- C. **Standards for Short Term Rental Properties (STRP)**
- D. **Zoning requirements for Bed and Breakfast Homes**
- E. **Zoning requirements for STRP**

#### A. **Definitions**

1. **"Bed and Breakfast Home"** means a residential dwelling unit that is used and/advertised for rent for transient occupancy by guests for not more than seven (7) continuous days that includes a daily breakfast meal prepared and served by the owner or someone in their employ.

2. **"Short Term Rental Property"** means a residential dwelling unit, containing not more than four (4) sleeping rooms, that is used and/or advertised for rent for transient occupancy by guests for less that thirty (30) continuous days. The term Short Rental Property includes such terms as Airbnb, Vacation Rental by Owner (VRBO) and/or any individual or company involved in the residential dwelling units for transient occupancy by guest (except those meeting the standards for Bed and Breakfast Homes). Residential dwelling units rented to the same occupant for thirty (30) or more continuous days, Bed and Breakfast Homes, boarding houses, hotels, and motels, shall not be considered Short Term Rental Properties.

- B. **Standards for Bed and Breakfast Homes** The following standards shall apply for all Bed and Breakfast Homes:

#### 1. **Permit and Business License Required for Bed and Breakfast Homes**

a. A permit for a Bed and Breakfast Home shall be obtained from the Building Inspector by the owner of the property in which the Bed and Breakfast Home is to be located prior to the operation or advertisement for operation of a Bed and Breakfast Home.

b. A one-time initial permit fee of one-hundred dollars (\$100) for a Bed and Breakfast Home shall be submitted to Town Hall with the application for a Bed and Breakfast Home.

c. A permit for a Bed and Breakfast Home shall expire one (1) year from the date of issuance and may be renewed by the Building Inspector for additional one-year periods upon the payment of a fifty-dollar (\$50) renewal fee per year, and the resubmittal of an application with required information.

- d. Prior to the issuance or renewal of a permit for a Bed and Breakfast Home, a fire inspection shall be completed by the Building Inspector.
- e. A business license shall be obtained from the Town of Gordonsville prior to the issuance or renewal of a Bed and Breakfast Home.
- f. A permit for a Bed and Breakfast Home shall not be transferable to a new owner.
- g. A Bed and Breakfast Home permit shall be revoked by the Building Inspector for three (3) or more codes violations in any twelve (12) consecutive month period. A property having a Bed and Breakfast Home permit revoked shall not be eligible to reapply for a Bed and Breakfast Home permit for a period of twelve (12) consecutive months following revocation.

## **2. Application Requirements for a Bed and Breakfast Home**

The application for a Bed and Breakfast Home permit shall as a minimum include the following:

- a. Name, phone number, mailing address and e-mail address of the property owner.
- b. Name, phone number, e-mail address, and e-mail address of the person or entity responsible for maintenance of the Bed and Breakfast Home (if different from the property owner).
- c. Proof of insurance (fire, hazard, and liability) shall be submitted annually to Town Hall and shall remain in effect for the length of operation of the Bed and Breakfast Home. The minimum liability coverage limits shall be one-million dollars (\$1,000,000) per occurrence.

## **3. Standards for Operation of Bed and Breakfast Homes**

- a. The owner of a permitted Bed and Breakfast Home, or someone in their employ shall be present to check-in transient guests and to prepare and serve a breakfast meal to transient guests in the home each day guests are present.
- b. There shall be a maximum of six (6) guests at any time. The maximum number of guest rooms available for rent shall be three (3), and the number of guest rooms shall be stated at the time of application to the Building Inspector for a permit to operate a Bed and Breakfast Home.
- c. Guests shall have no special events involving persons in addition to the guests, such as weddings, receptions, reunions, etc., at the location of the Bed and Breakfast Home.
- d. Subleasing of rooms by a guest is prohibited.
- e. The principal structure for any Bed and Breakfast Home shall consist of a minimum of one-thousand, five hundred (1,500) square feet of living area.

f. No alteration to the residential structure being used as a Bed and Breakfast Home shall indicate from the exterior that it is being utilized for any purpose other than a residential dwelling unit, including permitted accessory buildings.

g. Required off-street parking shall be located to the rear or on the side of the principal structure, unless specifically authorized by the Board of Zoning Appeals. On-street parking for guests in a Bed and Breakfast Home shall not be allowed.

h. No guest shall stay for more than seven (7) consecutive days.

i. A current guest register shall be kept by the owner.

j. Meals shall only be prepared for and served to guests taking lodging in the home.

k. No food preparation or cooking shall be conducted in any guest room.

l. Proof of insurance (fire, hazard, and liability) shall be submitted annually to Town Hall, and shall remain in effect for the length of the operation of the Bed and Breakfast Home. The minimum liability coverage limit shall be one million \$1,000,000 per occurrence.

m. The provisions of Tennessee Code Annotated, Sections 68-14-501 through 68-14-503, known as the Bed and Breakfast Establishment Inspection Act of 1990, shall be met.

C. **Standards for Short-Term Rental Properties (STRP)** The following standards shall apply for all short-term rental properties (STRP).

1. **Permit and Business Licensed Required for STRP**

a. A permit for a STRP shall be obtained from the Building Inspector by the owner of the property in which the STRP is to be located, prior to the operation or advertisement for operation of a STRP.

b. A one-time initial permit fee of one-hundred dollars (\$100) for a STRP shall be submitted to Town Hall with the application for a STRP permit.

c. A permit for a STRP shall expire one (1) year from the date of issuance and may be renewed by the Building Inspector for additional one (1) year periods, upon the payment of a fifty-dollar (\$50) renewal fee per year, and the resubmittal of an application with required information.

d. Prior to the issuance or renewal of a permit for a STRP, a fire inspection shall be completed by the Building Inspector.

e. A business license shall be obtained from the Town of Gordonsville prior to the issuance or renewal of a STRP permit

f. A permit for a STRP shall not be transferrable to a new owner.

g. A STRP permit shall be revoked by the Building Inspector for three (3) or more codes violations in any twelve (12) consecutive month period. A property having a STRP permit revoked shall not be eligible to reapply for a STRP permit for a period of twelve (12) consecutive months following revocation.

## **2. Application Requirements for STRP**

The application for a STRP permit shall as a minimum include the following:

a. Name, phone number, mailing address, and e-mail address of the property owner.

b. Name, phone number, e-mail address, and e-mail address of the person or entity responsible for maintenance of the STRP (if different from the property owner).

c. Proof of insurance (fire, hazard, and liability) shall be submitted annually to Town Hall and shall remain in effect for the length of operation of the STRP. The minimum liability coverage limits shall one-million dollars (\$1,000,000) per occurrence.

## **3. Standards for Operation of a STRP**

The following standards shall apply for the operation of a STRP:

a. The STRP owner shall not receive any compensation or remuneration to allow occupancy of a STRP for a period of less than twenty-four (24) hours.

b. The STRP owner shall maintain a guest log which shall include the number of guests and the dates they occupied the property.

c. The property owner shall be responsible for the collection and remittance of any applicable local or Tennessee State room or sales taxes required by Tennessee law or the Gordonsville Municipal Code.

d. A copy of the STRP permit shall be posted in a conspicuous place within the dwelling unit.

e. There shall be a maximum of eight (8) guests in a residential dwelling unit operating under a STRP permit at any time. There shall be no more than two (2) adults or two (2) adults and two (2) minor dependent children per sleeping room.

f. If the STRP is not owner-occupied, the property owner shall cause to be posted within the unit the name, phone number, mailing address, and the e-mail address of the person or entity responsible for maintenance of the STRP. For the purposes of these provisions, "owner occupied" shall mean that the property owner of the property resides in STRP.

- g. The preparation of food in any sleeping room is prohibited.
- h. Off-street parking, constructed to the standards specified in Article III of the Gordonsville Zoning Code, shall be provided at a rate of 1.25 spaces per bedroom/sleeping unit. On-street parking for guests in a STRP shall not be allowed.
- i. Operable smoke detectors shall be provided in each sleeping room, immediately outside the sleeping rooms, and on each floor of the structure, including basements.
- j. A five (5) pound ABC fire extinguisher shall be provided, and the fire extinguisher shall have a third party certification tag.

**D. Zoning requirements for Bed and Breakfast Homes**

Bed and Breakfast homes are permitted in Zoning Districts C-1 and C-2 and are allowed as a Use on Appeal (special exception) in Zoning Districts R-1, R-2, and A-1 of the Town as shown on the official Gordonsville Zoning Map. A Use on Appeal (special exception) requires approval by the Board of Zoning Appeals following a public hearing.

**E. Zoning requirements for Short-Term Rental Properties (STRP)**

Short-term rental properties (STRP) are allowed as a Use on Appeal (special exception) in all zoning districts of the Town as shown on the official Gordonsville Zoning Map. A Use on Appeal (special exception) requires approval by the board of zoning appeals following a public hearing.

SECTION 9

RESIDENTIAL HOMES FOR THE AGED

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

1. Minimum site one (1) acre or more
2. Minimum side and rear building setbacks shall be 35 feet.
3. There shall be a planted buffer strip around the side and rear of the project site (See Article III, Section 14).
4. The project must be served by public water and sewer facilities.
5. Minimum parking requirements (Article III Section 9) shall be one (1) space per two (2) beds, plus one (1) space for each employee, plus adequate area for emergency vehicles.
6. Structure to meet Standard Building and Plumbing Code.
7. Submit detailed development plan of property as per Article III, Section 13.
8. Use must be licensed by State as Residential Care Home for Aged.

SECTION 10

DAY CARE CENTERS

A. Day Care Centers as Home Occupations:

Day care centers operated within a home as a Home Occupation for the care of up to twelve (12) children including the children of those residing in the subject residence, are allowed in the R-1, R-2 and A-1 Districts as Special Exceptions subject to the following provisions:

1. The child care use shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.
2. Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited for children's play space.
3. There shall be a fence with the minimum height of four (4) feet surrounding the play space.
4. Operator of a child day care home must be the owner and reside on subject property.
5. Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot only and shall not utilize more than fifty (50) percent of the gross floor area of the main structure.
6. There shall be no less than one (1) accessory off-street parking space per each four (4) children.
7. Shall be licensed by the State of Tennessee.
8. Day care centers for more than twelve (12) children shall be located only in commercial zones or in the Industrial Zone as an accessory use.
9. Landscaped buffers and screening shall be provided where required in order to protect the adjacent properties.
10. Access to the facility shall be such that no motor vehicle will be required to back onto any public street. A circular driveway is recommended for the loading and unloading of children.

B. Day Care Centers Operated as Accessory Uses to Businesses or Churches

1. A development plan shall be prepared and submitted to the Planning Commission for review as per Article III, Section 13 herein.
2. The facility shall be licensed by the State of Tennessee.
3. Parking shall be sufficient to accommodate all employees and day care patrons.

C. Day Care Centers Operated as the Principal Use

1. Day care centers shall be located in the C-1, C-2 or I-1 Districts only.
2. Day care centers shall contain a minimum lot area of 20,000 sq. ft.
3. Day care centers shall be licensed by the State of Tennessee.
4. A development plan must be prepared and submitted to Planning Commission for review. (See Article VI, Section 13).
5. Off-street parking shall be in accordance with the parking requirements cited in Article III, Section 8.

## SECTION 11 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses which are non-permanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a development plan (see Article III Section 13), to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow, and to the regulations of any district in which such use is located.

- A. Carnival or Circus: May obtain a Temporary Use Permit in the C-2, I-1, I-2 or A-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided, only after a licensed mechanical engineer officially certifies in writing that all pertinent rides are safe.
- B. Christmas Tree Sale: May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.
- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, except the C-1, Limited Commercial District, a temporary structure may be permitted to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
- E. Temporary Dwelling Unit in Cases of Special Hardship: In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Gordonsville Superintendent of Utilities and the Smith County Health Department when applicable, approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for six (6) months. A permit may be renewed for up to six (6) months at a time, the total time for permits not exceeding a total of eighteen (18) months.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION 1.

BUILDING INSPECTOR

A. ADMINISTRATIVE AND ENFORCING OFFICER

The provisions of this Ordinance shall be administered by the City Building Inspector.

The Building Inspector shall administer and enforce this Ordinance and in addition he shall:

1. Issue all building permits and make and maintain records thereof;
2. Issue all certificates of occupancy and make and maintain records thereof;
3. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof;
4. Maintain and keep current zoning maps, and records of amendments thereto;
5. Conduct inspections as prescribed by this Ordinance, and such other inspections as are necessary to ensure compliance with the various provisions of this Ordinance generally
6. Receive, file, and forward to the planning commission all applications for conditional uses, and for amendments to this Ordinance;
7. Receive, file, and forward to the Board of Zoning Appeals all applications for variances or other matters, on which the Board is required to pass under the provisions of this Ordinance.

B. POWERS OF THE BUILDING INSPECTOR

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

Under no circumstances is the Building Inspector permitted to make changes in this Ordinance nor to vary its terms or provisions in carrying out his duties.

C. RIGHT OF ENTRY UPON LAND

The Building Inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this Ordinance.

SECTION 2.

APPLICATION OF ZONING ORDINANCE

Except as otherwise provided, no structure or land shall after the effective date of the zoning ordinance be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and

application, the provisions of the zoning ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

### SECTION 3.

#### BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

##### A. BUILDING PERMITS REQUIRED

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving of or addition to any structure, including accessory structures or to commence the filling of land until the building inspector has issued for such work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the zoning ordinance.

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

##### B. DEVELOPMENT PLAN REQUIRED

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

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

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, added to, or moved and of any buildings or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. The location and design of off-street parking areas and off—street loading areas.
5. Any other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the zoning ordinance are being observed.

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

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

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

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

C. CERTIFICATE OF OCCUPANCY REQUIRED

No land or building or other structure or part thereof hereafter erected, moved, or added to in its use shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the zoning ordinance.

Within seven (7) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the zoning ordinance, or if such certificate is refused, to state the refusal in writing with the cause for such refusal.

SECTION 4.

BOARD OF ZONING APPEALS: ESTABLISHMENT AND PROCEDURE

A. ESTABLISHMENT OF THE BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established in accordance with Sections 13-7-205 through 13-7-207 of the Tennessee Code Annotated.

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

B. CONFLICT OF INTEREST

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

C. PROCEEDINGS OF THE BOARD OF ZONING APPEALS

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

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

D. HEARINGS AND APPEALS

An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Building Inspector, based in whole or in part upon the provision of this ordinance. Such

appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof.

The Building Inspector shall transmit to the Board all papers constituting the record upon which the appeal was taken. The Board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties of interest, and decide the same within a reasonable time. Upon the hearing, any person, or party may appear in person, by agent, or by attorney.

E. LIABILITY OF MEMBERS OF THE BOARD OF ZONING APPEALS AND THE BUILDING INSPECTOR

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

SECTION 5.

BOARD OF ZONING APPEALS: POWERS AND DUTIES

A. ADMINISTRATIVE REVIEW

The Board of Zoning Appeals shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provision of this ordinance, or in his interpretation of the zoning map.

B. SPECIAL EXCEPTIONS (USES PERMITTED UPON APPEAL)

The Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "Uses Permitted on Appeals" Sections of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

1. Application Fee. An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses of all adjacent properties, any and other material pertinent to the request which the Board of Zoning Appeals may require.

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

2. General Provisions Governing Uses Permitted on Appeal. Before any special exception shall be issued, the Board of Zoning Appeals shall certify compliance with the specific rules

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

- a. It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;
  - b. It will not adversely affect other property in the area in which it is located;
  - c. It is within the provision of “Uses Permitted on Appeal” as set forth in this ordinance; and
  - d. It conforms to all applicable provisions of this ordinance for the district in which it is to be located.
3. Validity of Plans. - All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
4. Time Limit. All applications reviewed by the Board of Zoning Appeals shall be decided within forty—five (45) days of the date of the application, and the application shall be provided with a written notice of either approval or denial.

### C. VARIANCES

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

1. Application and Fee. An application shall be filed with the Board of Zoning Appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the Board of Zoning Appeals may require.

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

2. Standards for Variances. In granting a variance the Board shall ascertain that the following criteria are met:
  - a. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out;
  - b. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;
  - c. The variance will not authorize in a zone district activities other than those permitted by this ordinance;
  - d. Financial returns only shall not be considered as a basis for granting a variance;
  - e. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

- f. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
  - g. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
  - h. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and
  - i. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
3. Non-Conformity Does Not Constitute Grounds for Granting a Variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
  4. Prohibition of Use Variances. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
  5. Conditions and Restrictions by the Board The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in this ordinance to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance.
  6. Time Limit. All applications reviewed by the Board of Zoning Appeals shall be decided within forty-five (45) days of the date of the application, and the application shall be provided with a written notice of either approval or denial.
  7. Variance Appeals. Any person or agency aggrieved by a decision of the Board on a variance may appeal by certiorari to a court of competent jurisdiction. The judgement and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

## SECTION 6.

### AMENDMENTS TO ZONING ORDINANCE

#### A. PROCEDURE

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

#### B. APPLICATION AND FEE

Any person desiring to bring a request for an amendment to the zoning ordinance shall first submit an application for such a request. Said application shall state the purpose of the

amendment and any other information or material pertinent to the request which the Planning Commission or Board of Mayor and Aldermen may require.

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

SECTION 7.

PENALTIES

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

SECTION 8.

REMEDIES

In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the zoning ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erection, construction, addition, conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land.

SECTION 9.

VALIDITY

Should any section, clause, or provision of this zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgement shall not affect the validity of the zoning ordinance as a whole or any other part other than the part judged invalid.

SECTION 10.

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

CERTIFIED TO THE TOWN OF GORDONSVILLE BOARD OF MAYOR AND ALDERMEN:

\_\_\_\_\_  
Chairman, Gordonsville Municipal  
Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Gordonsville Municipal  
Planning Commission

\_\_\_\_\_  
Date

Publication of Notice: 10/8/87

Public Hearing Held: 11/5/87

Passed First Reading: 11/5/87

Passed Second Reading: 11/19/87

Passed Third Reading: 12/3/87

ADOPTED BY THE TOWN OF GORDONSVILLE BOARD OF MAYOR AND ALDERMEN:

\_\_\_\_\_  
Mayor of Gordonsville

12/3/87

ATTEST:

12/3/87

\_\_\_\_\_  
Gordonsville City Clerk

Publication of Caption and Summary 12/17/87 Carthage Courier.

Effective Date: 1/1/88

## APPENDIX A