

## ARTICLE V

### GATED DEVELOPMENTS GENERAL REQUIREMENTS & STANDARDS OF DESIGN

#### **A. Applicability**

The regulations in this Article V shall apply to gated developments, and where applicable, to subdivisions served by permanent access easements even if there is no gate or barrier restricting access to such subdivisions.

#### **B. Definitions Specifically Applicable to ‘Gated Developments’**

The following definitions as provided in Tennessee Code Annotated 13-8-102 shall apply specifically and restrictively to gated developments:

(a) "Access road" means a vehicular access roadway greater than or equal to twenty-four feet (24') in width;

(b) "Driveway" means a vehicular access roadway less than twenty-four feet (24') in width and serving no more than two (2) single-family dwellings;

(c) "Gated facility or community" means a multifamily residential property or commercial or industrial development or compound that has a security gate or barrier to block the entrance to the facility or community from a public street to a private street or permanent access easement, parking lot or driveway of the facility or community;

(d) "Radio operated controller" means a device used to operate a security gate or barrier that is equipped with a radio receiver capable of receiving signals from a police department, sheriff's department, if the gated facility or community is in the county, fire department, utility and emergency medical services' radio transceivers that allow emergency responders and other necessary on-duty employees to open the security gate or barrier or blocking device by use of the equipment; and

(e) "Security gate or barrier" means a gate or barrier, electrically operated, that controls the passage of authorized vehicles and persons from a public street to access roads, driveways or parking lots of the gated facility or community.

#### **C. Creation of a Gated Development**

A gated development is one that meets the definition of a gated facility or community as provided above. Sometimes, gated developments may not have a private access way within the development especially if the gated lots, houses or appurtenances exist at the end of a street. The creation of a gated development shall require a subdivision plat approved by the Planning Commission showing the lots or houses included in the development and the location of other structures such as an ornamental fence or wall and gate.

#### **D. Relation to Adjoining Street Systems**

A subdivision of a parcel of land shall be undertaken in such a manner as to enhance the sound development of the neighborhood in which the subdivision lies. The proposed gated development shall provide for the continuance of existing or dedicated streets in adjoining or nearby tracts. In addition, dedication of rights-of-way shall be provided to the satisfaction of the Planning Commission for the connection of the subdivision to any adjoining unsubdivided or subdivided land, to accommodate an increase in traffic resulting from the subdivision, to provide for harmonious development of the subdivision in relation to the neighborhood in which it lies, and for the general safety and welfare of those benefiting from the subdivision. Any or all of these criteria may be considered in requiring dedication of right-of-way as a prerequisite for subdivision approval. Access easements will not be permitted if they defy the interconnectivity goals set forth by the Planning Commission and the Subdivision Regulations.

#### **E. Permitted**

- (1) Permanent access easements may, upon application, be permitted subject to the requirements of this Article, and those requirements previously set forth in Article III, K. However, proposed permanent easements shall not be permitted if they do not include access to amenities or features which by design or agreement are intended for use by the general public.
- (2) Applications for approval of the permanent easement shall be considered by and approved by the Planning Commission. Following a recommendation by planning staff, the Planning Commission shall consider the application and may impose conditions on the approval of permanent easements to ensure various public purposes and to mitigate potential problems with private ingress and egress.
- (3) No Final Plat involving a permanent easement shall be approved unless said final plat conforms to the requirements of this Article.
- (4) This section shall not be construed to prevent the installation of permanent easements and driveways within private developments not involving the subdivision of land, where those ingress and egress access ways remain under private ownership but which are unrestricted in terms of public access.
- (5)
  - (a) Permanent access easements providing ingress and egress to a gated community (or any other development) shall be named if the easement has five or more houses or structures, including mobile homes, the road that the easement joins has ran out of addresses, or the easement serves five or more lots, regardless of whether the lots have buildings on them. If the easement serves four (4) or less principal structures or houses or lots, the easement shall not be named.
  - (b) When a permanent easement is named, the subdivider of land involving the permanent easement shall install street signs with content containing the road name as approved. The sign signifying the permanent easement shall be required to be blue in color to distinguish maintenance responsibilities in the field. All traffic control and road name signs shall meet the minimum standards

that are specified in the Manual on Uniform Traffic Control Devices (MUTCD).

- (c) Right-of-ways for permanent easements shall not be included in any calculation of minimum lot size established by the Subdivision Regulations or the Zoning Ordinance. In the cases of permanent easements, the right-of-way for the access way shall be drawn as its own discrete tract to be dedicated to a private homeowners association or other legal entity (i.e. not shown to be a part of any lot).

#### **F. Special Improvement Requirements**

Whenever there is a proposal to have access ways closed to through-traffic (i.e. private with access control), the Planning Commission shall require that the following improvements and provisions be reviewed, approved, and installed or erected in accordance with approved development plans:

- (1) A sign of appropriate size to identify the ingress and egress way or development as private.
- (2) Provisions to ensure that access at the entrance to the development is not restricted to law enforcement officials and their vehicles, emergency response officials and their vehicles, public and private utility companies and their vehicles, postal delivery vehicles, and Town of Greeneville or Greene County personnel and vehicles while conducting business.

#### **G. Restrictions**

- (1) It shall be unlawful for any person, firm, or corporation to construct a permanent easement or alter an existing permanent easement or to cause the same to be done without first obtaining approval of development plans from the Planning Commission in accordance with the requirements of the Subdivision Regulations.
- (2) A lot shall be considered to be served by a permanent easement if the lot abuts the permanent easement and has legal traversable access to the easement. A subdivision that contains permanent easements shall be considered in the context and pattern of neighboring developments and shall not be approved if it will create a connection between two (2) public streets.

#### **H. Specifications for Final Plats Involving Gated Developments**

No Final Plat involving a gated development shall be approved for recording until it contains the following:

- (1) “WARNING: the Town of Greeneville and Greene County have no responsibility to build, improve, maintain, or otherwise service the ingress and egress way, driveway, drainage improvements, and other appurtenances contained within the rights-of-ways for private access shown on this plat.”
- (2) “Grant of Right-of-way. The right-of-way shown on this plat for private access is hereby granted and said grant of rights shall be liberally construed to provide access to the Town of Greeneville and Greene County, and to public or private utility companies serving the subdivision, lots, or principal and customary accessory structures”.

## I. Security Gates

Any security gate design and installation shall conform to requirements set forth by Tennessee Code Annotated in force and to the following requirements:

- (1) Gate designs shall incorporate vehicular access gate sections with a minimum gate width of twenty-four feet (24'). If the entrance incorporates a median, guard house, or similar structure that necessitates a divided gate arrangement, each respective gate width must be no less than eighteen feet (18') each. A pedestrian access gate shall also be provided, having direct access to a public street or alley.
  - (a) Each security gate designed and installed shall be equipped so that access is by a radio operated controller, approved by and subject to a performance test by the Engineering Department.
  - (b) If a gate design incorporates an overhead feature or obstruction, the vertical clearance shall be a minimum of fourteen feet (14') measured above the crown of the finished street surface.
- (2) *Approach and Departure Areas* on both sides of a gated entrance shall provide free and unimpeded passage of emergency vehicles through the entrance area as required by public safety departments.
- (3) *A second emergency access* to a public street or alley shall be provided for all gated subdivisions & developments containing thirty (30) or more lots or dwelling units. Said gate access and related mechanical or manual security appurtenances shall be as approved by the Engineering Division.
- (4) *Maintenance and Operations.* All components of the gate system must be maintained in a normal operating condition, and serviced on a regular basis, as needed, to ensure proper gate operation. An appropriate power supply shall be provided and maintained to all electrical and electronic components at all times. Manual override provisions shall be incorporated therein, in the event of power failure or during repair and maintenance operations.
  - (a) *Periodic Inspection.* The Town shall have the right to enter the subdivision or development, to periodically inspect the installed security gate and related appurtenances and equipment at any and all reasonable times to assess their proper maintenance and working condition. When in the Town's opinion such gate or related appurtenance and/or equipment is faulty or unduly impedes or adversely affects vehicular and pedestrian access, the city may cause and / or order the appropriate and prompt repair of the gate, or device in question.
  - (b) *Responsibility for the Cost of Repairs and Removal.* The cost of such repairs or removal shall be borne by, and may be assessed to, the appropriate homeowners' association or developer/owner of the property in question. Such action taken by the city shall include, but not necessarily be limited to, entry features and related amenities such as gate, related devices, guardhouses, mechanical/electrical equipment, landscaping, and walls, fences and hedges in association therewith.

- (c) Owner or Developer Responsibilities and Liabilities. The applicable property or subdivision owner, developer, or homeowners' association, including its officers and assigns, shall be held mutually responsible and liable for any violation of these regulations. Further, if the development is controlled and operated by a homeowners' association, provisions shall be contained in the respective deed restrictions and in the association's by-laws, referencing and incorporating these regulations therein. No homeowners' association thus incorporating these regulations, shall amend, change, or modify such without the written consent by the Planning Commission.
- (d) Hold Harmless. On the subdivision Final Plat, or site plan, shall be placed language whereby the owner, developer, or homeowners' association (as owner of the permanent access easement, gates, and appurtenance) agrees to release, indemnify, and hold harmless the Town, or any other governmental entity or public utility, for damages, attorney's fees, court costs, or injury to property or person (including death) arising out of the use or operation by said entities, of any restricted security gate, entrance or related feature. The indemnification applies regardless of whether or not such damages or injury (including death) are caused by the negligent act or omission of the Town or governmental entity or public utility, including their officers, employees, agents, or assigns.

**J. Special Waiver Considerations for Street Extensions in Gated Subdivisions**

Gated subdivisions with permanent easements or drives that are designed to provide internal circulation within the subdivision and that provide adequate drainage and emergency access and egress connections to existing adjacent perimeter public streets, may be granted a waiver from extending the private ingress and egress way to the perimeter of the subdivision for purposes of future connections with un-platted property. However, the Planning Commission reserves the discretion to request that sufficient right-of-way be reserved on the preliminary and final subdivision plats for possible future extension of the roadway to surrounding streets.

**K. Private Utilities**

Water lines and sanitary sewer lines within the development are private and to be privately maintained, unless noted on the subdivision plat as a public utility in a public easement



