

TITLE 14

ZONING AND LAND USE CONTROL¹

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. ENGINEERING REVIEW ETC., SITE INSPECTION CHARGES.
4. UNDERGROUND UTILITY FACILITIES.
5. DESIGN REVIEW MANUAL.
6. STEEP SLOPE ORDINANCE.
7. ASHLAND CITY GRADING ORDINANCE.
8. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and a councilman selected by the city council; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall be compensated fifty dollars (\$50.00) per meeting. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the councilman selected by the city council shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1973 Code, § 11-101, as amended by Ord. #307, July 2005)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1973 Code, § 11-102)

¹Municipal code reference:

Signs: Title 20, chapter 1.

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-202. Compensation of planning commission land use committee.

14-203. Compensation of flood review board.

14-204. Compensation of the port authority.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Ashland City shall be governed by the Ashland City, Tennessee Zoning Ordinance, adopted December 21, 1971, and any amendments thereto.¹

14-202. Compensation of planning commission land use committee. All members of the planning commission land use committee shall be compensated sixty-two dollars and fifty cents (\$62.50) per meeting. (as added by Ord. ##350, Nov. 2008, and amended by Ord. #408, Aug. 2013, and Ord. #410, Aug. 2013)

14-203. Compensation of flood review board. All members of the Ashland City Flood Review Board shall be compensated sixty-two dollars and fifty cents (\$62.50) per meeting. (as added by Ord. #375, Nov. 2010, and amended by Ord. #411, Aug. 2013)

14-204. Compensation of the port authority. All members of the Ashland City Port Authority appointed by the Mayor of Ashland City shall be compensated sixty-two dollars and fifty cents (\$62.50) per meeting. This is contingent upon Cheatham County paying the members of the Ashland City Port Authority that are appointed by the county mayor. (as added by Ord. #435, Oct. 2015)

¹The Ashland City Zoning Ordinance, and any amendments thereto, are published as separate documents and are of record in the office of the city clerk.

CHAPTER 3

ENGINEERING REVIEW ETC., SITE INSPECTION CHARGES

SECTION

14-301. Charges/fees to be reimbursed.

14-301. Charges/fees to be reimbursed. (1) All ordinances in conflict herewith are here and now repealed.

(2) All owners, developers and applicants, individually or by their authorized agents, employees or servants, seeking municipal approval for any proposed development/improvement of land by: subdivision, planned unit development, site plan, special exceptions approved by the board of zoning appeals, use changes, landscape plans, sketch plats, preliminary plats, final plats, construction plans, grading plans, roadway plans, drainage plans, wastewater facility plans, matters requiring the establishment of performance bonding, dedication of easements and facility/structures associated with any of the foregoing, shall be responsible for the reimbursement to the Town of Ashland City for all actual engineering review, engineering oversight, and project site inspection charges/fees for services incurred by said town by virtue of, and as related to the foregoing, by the town's designated consulting engineer and/or his appointed designee.

(3) All actual charges to be reimbursed to the municipality shall be paid within fifteen (15) days from the date of billing by the municipality. In the event said reimbursement charges are not paid timely, any permit issued by the building inspector shall become void or default shall be declared upon any performance bonding posted with the Town of Ashland City.

(4) This chapter is not deemed to be a tax, but is to offset actual incurred engineering expense of the municipality for an owner, developer, and applicant seeking development of lands within the municipality. (Ord. #165, Feb. 1997)

CHAPTER 4

UNDERGROUND UTILITY FACILITIES

SECTION

14-401. Required.

14-402. Not applicable to existing facilities or plans.

14-401. Required. From and after the effective date of this chapter,¹ any plans requiring the approval of the Ashland City Planning Commission for new structures or buildings to the city shall not be approved by the planning commission unless such plan or plans provide that all new utility facilities for electrical, gas, telephone, water, and other similar services, shall be placed underground. (Ord. #205, Sept. 1999)

14-402. Not applicable to existing facilities or plans. This chapter shall not apply to said utility facilities above ground existing within any subdivision heretofore poatted or on which plans have heretofore been approved by the planning commission, or which existed prior to the effective date of this chapter.¹

¹These provisions were taken from Ordinance No. 205 which passed 2nd reading September 14, 1999.

CHAPTER 5

DESIGN REVIEW MANUAL

SECTION

14-501. Design review manual.

14-501. Design review manual. The "Ashland City Design Review Manual, March 4, 2003" was adopted by Ordinance #273, May 2003.¹

¹Ordinance #273, May 2003, and any amendments thereto, are of record in the office of the city clerk.

CHAPTER 6

STEEP SLOPE ORDINANCE¹

SECTION

- 14-601. Purpose.
- 14-602. Applicability.
- 14-603. Requirements.
- 14-604. Site plan requirements.
- 14-605. Performance standards.
- 14-606. Exemptions.
- 14-607. Review guidelines and approval procedures.
- 14-608. Compatibility with other permit and ordinance requirements.

14-601. Purpose. The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land. (as added by Ord. #283, March 2004)

14-602. Applicability. This ordinance shall be applicable to any major subdivision or site plan application as defined in the municipal land use law or any project as defined by the Stormwater Pollution Prevention Act located within the municipality. The provisions of this ordinance shall also apply to any land disturbance. Land disturbance for the purpose of this ordinance shall mean any activity involving the clearing, cutting, blasting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed to the danger of erosion. (as added by Ord. #283, March 2004)

14-603. Requirements. (1) Site design and grading on slopes of ten percent (10%) or greater shall meet all requirements as outlined in § 14-604 of this ordinance. If special consideration is needed, the requirements of § 14-607 of this ordinance will apply in approving the proposed plans.

(2) Site design and grading on all slopes greater than ten percent (10%) shall provide the minimum disruption of view corridors and scenic vistas and shall preserve significant natural topographic features to the greatest extent possible. (as added by Ord. #283, March 2004)

14-604. Site plan requirements. (1) For all earth moving activities on all slopes of ten percent (10%) or greater, the applicant shall submit a site plan prepared by a professional engineer which includes at a minimum the following:

¹Municipal code reference:

Standard codes adopted: Title 12, chapter 1.

(a) Slopes in classes of 0-10%, 10-25% and greater than 25% based on two foot (2') contours analyzed at ten foot (10') intervals.

(b) Location of all water bodies including but not limited to streams, lakes and wetlands.

(c) Existing natural and topographic features.

(d) Location of all proposed and existing buildings and streets.

(e) Location of all existing vegetation including meadow, forest, and scrub lands broken down by those areas of vegetation which will be removed as well as vegetation to be preserved; specifications for re-vegetation shall also be included.

(f) Specific methods which will be utilized to control soil erosion and sedimentation, soil loss and excessive stormwater runoff both during and after construction.

(g) A statement and description of the stability of the soils on-site and the appropriateness of the construction method proposed.

(h) Hydrology, drainage and flooding analysis to include a statement on the affect of the proposed development upon water bodies or wetlands in the vicinity of the project

(i) A statement describing the underlying geology attesting to the stability of the site.

(j) Calculations of the area of proposed disturbance of each slope class on each proposed lot as well as within any proposed road right-of-way.

(k) Grading plan for the construction site and all access routes.

(2) The site plan submitted shall be reviewed by the municipal engineer. The municipal engineer shall accept or reject the plan as submitted or may require that specific conditions be complied with in order for the plan to meet approval.

(3) No grading permit shall be issued and no grading or site clearing shall occur until a site plan including all of the above items has been reviewed and approved by the municipality. (as added by Ord. #283, March 2004)

14-605. Performance standards. All development proposals which propose development on steep slopes shall conform to the following performance standards:

(1) Plans for construction on all slopes of ten percent (10%) or greater must be approved by the planning commission before a grading permit is issued and shall demonstrate slope stability and erosion control before any occupancy permits are issued by the municipality.

(2) Should the applicant wish to preserve land with steep slopes, the applicant may offer the land for dedication to the municipality or may form a private land trust or a non-profit agency in order to preserve and maintain the these areas in their natural state.

(3) The use of conservation easements on steep slopes may also be offered to reserve these areas in perpetuity. (as added by Ord. #283, March 2004)

14-606. Exemptions. Land development plans which were approved prior to the adoption, date of this ordinance shall be exempt from these requirements. (as added by Ord. #283, March 2004)

16-607. Review guidelines and approval procedures. (1) The planning commission may approve development within steep slope areas if the planning commission finds that:

(a) The proposed construction is appropriate for the requested location.

(b) The proposed construction will have no significant impact on the steep slope area.

(c) The proposed construction is of relatively low value, except for items related to vehicular bridges.

(2) The board of zoning appeals may consider variations from the requirements of this section. In considering such variations, the following guidelines shall be considered:

(a) Construction in the steep slope area is accompanied by adequate toe of slope improvements.

(b) Approval could be recommended if slope improvements effectively increase the stable slope angle.

(c) The entire slope shows no indication of instability.

(3) Variation from any restriction could be recommended if the requested construction is less nonconforming than the existing condition and the slope does not show any sign of instability; or if the applicant submits evidence based on current geotechnical engineering practices such as the simplified bishop method of stability analysis whereby variables of soil shear strength, ground water level, unit weight of soil and slope angles are considered which result in the determination that the particular slope is stable at an angle greater than twenty five (25) degrees. (as added by Ord. #283, March 2004)

14-608. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by other applicable codes, rules, acts or ordinances. In their interpretation and application the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, general welfare and the protection of water quality. (as added by Ord. #283, March 2004)

CHAPTER 7

ASHLAND CITY GRADING ORDINANCE

SECTION

- 14-701. Establishment and purpose.
- 14-702. Definitions.
- 14-703. Scope.
- 14-704. Application.
- 14-705. Duration of permit.
- 14-706. Denial of permit.
- 14-707. Inspection of work.
- 14-708. Surety for permitted work in public rights-of way, etc.
- 14-709. Permit fees.
- 14-710. Maintenance.
- 14-711. Violations and penalties.

14-701. Establishment and purpose. There are established for the City of Ashland City, Tennessee, the following regulations and requirements for permitting of grading operations:

(1) This chapter shall be known and may be cited as "the Ashland City Grading Ordinance."

(2) The purpose of this chapter is to provide minimum standards to safeguard persons, to protect property, and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill without infringing on the rights of property owners to accomplish minor "yard improvement" measures. (as added by Ord. #315, March 2006)

14-702. Definitions. Wherever used in this chapter, the following words shall have the meaning indicated:

(1) "Building permit" shall mean a permit issued by the building official pursuant to the provisions of the zoning ordinance of Ashland City, Tennessee, for the construction, correction, or alteration of a structure or building.

(2) "Excavation" shall mean any act by which topsoil, earth, and gravel, rock, or any similar material is cut into, dug, marred, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting from such considerations.

(3) "Fill" shall mean any act by which topsoil, earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and shall include the conditions resulting from such considerations.

(4) "Existing grade" shall mean the elevation of the existing ground surface at the location of any proposed excavation or fill.

(5) "Grading" shall mean excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

(6) "Grading permit" shall mean any permit required under this chapter.

(7) "Person" shall mean an individual but can also include a partnership, corporation, or any other legally recognized entity.

(8) "Site" shall mean a lot, tract, or parcel of land, or a series of lots, tracts, or parcels of land, joined together, where grading work is continuous and performed at the same or different times.

(9) "Topsoil" is that upper portion or layer of naturally occurring terrain (2"-10") that is composed of mostly organic matter and has the ability to support vegetation.

(10) "Stripping" shall mean the removal, by mechanical means, of the topsoil layer of a proposed excavation. (as added by Ord. #315, March 2006)

14-703. Scope. New grading, excavations, and fills, or changes, additions, repairs, or alterations made to existing excavations and fills shall conform to the provisions of this chapter, except that this chapter shall not apply to:

(1) Commercial operations involved in mining, quarrying, excavating, processing, or stockpiling of rock, sand, aggregate, or clay unless such work affects the support of adjacent or contiguous property or structures; and provided such operations are duly permitted by the proper state agencies having jurisdiction over such matters.

(2) Residential landscaping, top dressing and cosmetic works by private individuals or firms contracted by private individuals.

(3) Construction which is the implementation of plans for development(s) duly reviewed and approved by the Ashland City Planning Commission.

(4) Grading or excavation pursuant to a permit for excavation in public streets for which inspection is provided by the city.

(5) Grading in connection with a public improvement or public work for which inspection is provided by the city.

(6) Grading or excavation by a public utility company in private easements or public rights-of-way for which inspection is provided by the city.

(7) An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a valid building permit where the cost of such excavation is included in the building permit valuations. This exception shall not affect the applicability of this chapter to, nor the requirement of a grading permit for, any fill made with the material from such excavation.

(8) Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act (Tennessee Code Annotated, § 43-26-103).

(9) The construction of a single residence or addition to an existing single family residence.

Permits will be required for any other grading operation not noted above and covered in one or more of the following situations:

(1) Topsoil stripping or sod removal having a single or combined area coverage on one site of two thousand five hundred (2,500) square feet (equivalent fifty (50') square).

(2) Excavation or placement of fill material having a volume of one hundred (100) cubic yards or more on one site.

(3) Areas of excavation or fill having a coverage of one thousand (1,000) square feet and a maximum cut or fill depth, at any point, of three (3) feet or more on one site.

(4) An excavation from existing grade three (3) feet or more below a two (horizontal) to one (vertical) descending slope from any property line, or a fill on existing grade three feet or more above a two (horizontal) to one (vertical) ascending slope from any property line.

(5) A grading operation in preparation for a paving project that will be used for any other purpose than a residential driveway and/or parking area.

(6) An excavation or fill within a public sewer, water main, storm drain, or power line easement.

(7) An excavation or fill which will encroach on or alter a natural drainage channel or water course.

No person shall construct, reconstruct, alter, repair or install any structure in any natural water course without a permit from the building official.

A separate permit shall be required for each separate non-contiguous site. One (1) permit may cover both an excavation and a fill on the same site made with excavated materials. (as added by Ord. #315, March 2006)

14-704. Application. The permit application shall include but not necessarily be limited to the following:

(1) Basic information:

(a) The purpose of the work and a statement as to whether the purpose of the grading is for private or commercial reasons;

(b) The nature and amount of material proposed to be excavated and the amount of fill in cubic yards;

(c) The street address at the point of access to the property where the work is to be performed;

(d) The name and address of the owner of the property on which the work is to be performed;

(e) A description of the equipment and methods to be used in performing the work;

(f) The name of the firm that will haul excavated material to or from the property where the work is to be performed;

- (g) The name, address and phone number of the person to have effective control of the work;
 - (h) The estimated dates for starting and completing the work to be done;
 - (i) Report of a soils engineer if required by the building official;
 - (j) Such further applicable information as the building official may require in order to carry out the purposes of this chapter;
- (2) Detailed information:
- (a) A sketch by the applicant or his agent showing existing conditions and the proposed work if required by the building official;
 - (b) Such further engineering or soils data as may be required by the building official to fully assess the scope and consequences of the proposed work;
- (3) Drainage considerations:
- (a) Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill;
 - (b) All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course approved by the building official as a safe place to deposit and receive such waters;
 - (c) The building official may require such drainage structures or pipes to be constructed or installed which in his opinion are necessary to prevent erosion damage and to satisfactorily carry off surface waters; and
 - (d) Will comply with all state agencies and there requirements.
- (as added by Ord. #315, March 2006)

14-705. Duration of permit. As stated in § 14-704(1)(i), the estimated time frame for this work will be submitted with the permit application. The building official will, at the time the permit is issued, set a completion date, but, due to circumstances beyond the control of the applicant, the work takes longer than originally scheduled, an extension of time may be granted. In no case shall the schedule exceed one (1) year after initial date of the issuance of a permit. If however, the work is not completed on time as called for in the permit due to lack of pursuit of the work, the permit will expire and the application process for a new permit must be initiated. (as added by Ord. #315, March 2006)

14-706. Denial of permit. An application for work under the provisions of this chapter may be denied for any of the following reasons:

- (1) Insufficient or inadequate information submitted to determine scope of project; and

(2) Proposed work will endanger or be detrimental to adjacent properties or existing features such as streets, utilities, buildings, etc. (as added by Ord. #315, March 2006)

14-707. Inspection of work. Monitoring of the work will be accomplished by the building official or his representative as follows:

- (1) Before project is commenced;
- (2) Upon completion of the project; and
- (3) At any other time(s) the building official may deem necessary. (as added by Ord. #315, March 2006)

14-708. Surety for permitted work in public rights-of-way. Public performance bonds will be posted by the applicant at the time the permit is granted for any and all works and incidental activities to be done within or on public rights-of-way or private property easements. The form and amount of bond will be set by the building official at the time of the permit application and will cover the amount deemed necessary to complete the proposed work and/or potential damages to existing public facilities. Bond will be held until satisfactory restoration or replacement of all damaged or impaired public facilities are completed. This includes but is not limited to roadways, drainage improvements, sanitary sewer lines and water lines. Bonds will be released upon final inspection and approval of the completed work. (as added by Ord. #315, March 2006)

14-709. Permit fees. Permit fees will be charged based upon the nature and magnitude of the work. Work to be performed will be categorized as to nature and magnitude at the time of permit application and a fee charged on the following schedule:

- (1) Area coverage of less than two thousand five hundred (2,500) square feet or less than one hundred (100) cubic yards of material: \$ 50.00
- (2) Area coverage of more than two thousand five hundred (2,500) square feet and more than one hundred (100) cubic yards of material: \$100.00 (as added by Ord. #315, March 2006)

14-710. Maintenance. The project site(s) is to be maintained in an orderly and safe condition at all times as noted by the following:

- (1) The project site will at all times during construction, be kept in a condition that is safe to the general public and adjacent properties;
- (2) The project will have sedimentation control incorporated in its work plan and a provision for natural storm water removal so as to pose no threat of danger to life or property;
- (3) Upon completion, the project must be left in and maintained as conceived, and posing no liability whatsoever in regard to slope stabilization, drainage, improved structures, etc.; and

(4) Prevent transport of construction debris and/or sediment onto surfaces of adjacent properties or public rights-of-way. (as added by Ord. #315, March 2006)

14-711. Violations and penalties. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, fill or cause the same to be done contrary to or in violation of any provision of this chapter. When written notice of a violation of any of the provisions of this chapter has been served by the building official on any person, such violation shall be discontinued immediately. It shall be construed to be a violation of this chapter to solicit public or "at large" dumping of materials on any site by placement of "dump dirt and rock only," "dump here" or any other similar signs. No signs of any nature requesting removal from or placement of material on a site will be allowed unless it meets the requirements of this chapter. (as added by Ord. #315, March 2006)

CHAPTER 8

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

- 14-801. Statutory authorization, findings of fact, purpose and objectives.
- 14-802. Definitions.
- 14-803. General provisions.
- 14-804. Administration.
- 14-805. Provisions for flood hazard reduction.
- 14-806. Variance procedures.
- 14-807. Legal status provisions.

14-801. Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 to 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Ashland City, Tennessee, Mayor and Board of Alderman, do ordain as follows.

(2) Findings of fact. (a) The Town of Ashland City, Tennessee, Mayor and Council wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), chapter 1, section 60.3.

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

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

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

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

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this chapter are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #372, Sept. 2010, as replaced by Ord. #477, Dec. 2017 *Ch12_6-11-19*)

14-802. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this chapter, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

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

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

(5) "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.

(6) "Area of special flood hazard." See "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

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

(9) "Building." See "structure."

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

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

(12) "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.

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

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

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

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

(17) "Existing structures." See "existing construction."

(18) "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).

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

(a) The overflow of inland or tidal waters.

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

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) 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.

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

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

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

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "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.

(27) "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.

(28) "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 and structures and their contents.

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

(30) "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.

(31) "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 floodplain management regulations.

(32) "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.

(33) "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, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "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.

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

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

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

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

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the secretary of the interior; or

(d) Individually listed on the Town of Ashland City, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

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

(ii) Directly by the secretary of the interior.

(37) "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.

(38) "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.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement

area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

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

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

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

(43) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this chapter, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "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 chapter or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

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

(48) "100-year flood." See "base flood."

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

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

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

(52) "Regulatory flood way" 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.

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

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

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

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

(57) "State coordinating agency." The Tennessee Department of Environment and Conservation, as designated by the Governor of the State of

Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure" for purposes of this chapter, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

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

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

(62) "Variance" is a grant of relief from the requirements of this chapter.

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various

magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #372, Sept. 2010, as replaced by Ord. #477, Dec. 2017 *Ch12_6-11-19*)

14-803. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of the Town of Ashland City, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Town of Ashland City, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated December 22, 2016, and Flood Insurance Rate Map (FIRM), Community 470027, Panel Numbers 47021C0165D, 47021C0170D, 47021C0234D, 47021C0235D, 47021C0251D and 47021C0253D, dated September 17, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

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

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

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

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

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

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

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided

by law. Any person who violates this chapter or fails to comply with any of its requirements shall, upon adjudication therefor, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Ashland City, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #372, Sept. 2010, as replaced by Ord. #477, Dec. 2017 *Ch12_6-11-19*)

14-804. Administration. (1) Designation of ordinance administrator. The director of life safety or his designee is hereby appointed as the administrator to implement the provisions of this chapter.

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

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this chapter.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-805(1) and (2).

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

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

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

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Environment and Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with subsection (2) above.

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and

substantially improved buildings have been floodproofed, in accordance with subsection (2) above.

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with subsection (2) above.

(i) 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), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(j) When base flood elevation data and flood way data have not been provided by FEMA, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Ashland City, Tennessee FIRM meet the requirements of this chapter.

(k) Maintain all records pertaining to the provisions of this chapter in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #372, Sept. 2010, as replaced by Ord. #477, Dec. 2017 ***Ch12_6-11-19***)

14-805. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring 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 and substantial improvements shall be constructed by methods and practices that minimize flood damage;

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

(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 that is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter;

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

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-805(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in subsection (2), are required.

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls

shall be provided in accordance with the standards of this section: "Enclosures."

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-802). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-802). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-804(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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 Tennessee professional engineer or architect or meet or exceed the following minimum criteria.

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

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

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

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-805(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-802).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of subsections (1) and (2) above.

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

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

(B) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

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

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. (See subsection (5) below.)

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-803(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply.

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other

development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the Town of Ashland City, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-805(1) and (2).

(4) Standards for areas of special flood hazard zones ae with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-803(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply.

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-803(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see subsection (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of subsections (1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home

parcs and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-802). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-804(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of subsection (2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Ashland City, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of subsections (1) and (2) above. Within approximate A Zones, require that those subsections of subsection (2) above dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-803(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-805(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the

lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-805(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-804(2).

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

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-803(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-804 and 14-805 shall apply.

(8) Standards for unmapped streams. Located within the Town of Ashland City, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply.

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-804 and 14-805. (as added by Ord. #372, Sept. 2010, as replaced by Ord. #477, Dec. 2017 *Ch12_6-11-19*)

14-806. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The Town of Ashland City, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time . which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal board of zoning appeals shall have the following powers:

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

(ii) Variance procedures. In the case of a request for a variance the following shall apply:

(A) The Town of Ashland City, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, 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 necessary deviation from the requirements of this chapter to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

(9) 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;

(10) 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, water systems, and streets and bridges.

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in subsection (1) above.

(b) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(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 elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #372, Sept. 2010, as replaced by Ord. #477, Dec. 2017 *Ch12_6-11-19*)

14-807. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future ordinance of the Town of Ashland City, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this chapter which is not of itself invalid or unconstitutional.

(3) Effective date. This chapter shall become effective immediately after its passage, in accordance with the Charter of the Town of Ashland City, Tennessee, and the public welfare demanding it. (as added by Ord. #372, Sept. 2010, as replaced by Ord. #477, Dec. 2017 *Ch12_6-11-19*)