

TITLE 14**ZONING AND LAND USE CONTROL****CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. PREVENTION OF FLOOD DAMAGE.

CHAPTER 1**MUNICIPAL PLANNING COMMISSION****SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

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 five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1977 Code, § 11-101)

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. (1977 Code, § 11-102)

14-103. Additional powers.¹ Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1977 Code, § 11-103)

¹To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, § 13-3-102, to designate the municipal planning commission as a regional planning commission.

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Oakdale shall be governed by Ordinance Number 90-39, titled "Oakdale Zoning Ordinance" and any amendments thereto.¹

¹Ordinance No. 90-39, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder.

CHAPTER 3

PREVENTION OF FLOOD DAMAGE

SECTION

- 14-301. Definitions.
- 14-302. Floodway.
- 14-303. Floodway fringe area.
- 14-304. Development permit--building permit.
- 14-305. Administration, development permit.
- 14-306. Designation of local administrator.
- 14-307. Use of other base flood data.
- 14-308. Information to be obtained and maintained.
- 14-309. Alteration of watercourses.
- 14-310. Interpretation of FIRM boundaries.
- 14-311. Reducing damages to mobile homes.
- 14-312. Subdivision proposals.

14-301. Definitions. For the purpose of this chapter, certain terms used herein are defined as follows:

(1) "Base flood" "(100-year flood):" The 100-year flood is a flood having an average frequency of occurrence of once in 100 years, although the flood may occur in any year. It is based on statistical analyses of streamflow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed.

(2) "Development:" Means any manmade change to improve or unimprove real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(3) "Floodway:" The stream channel and adjacent overbank needed to safely pass the 100-year flood without an undue increase in height. The boundaries of the floodway are shown on the map entitled "Flood Insurance Rate Map (FIRM) - 1986, Oakdale, Tennessee."

(4) "Land subject to flood:" Land subject to flood include Zones A and AE (the 100-year or base flood areas) shown on the "Flood Insurance Rate Map (FIRM) Town of Oakdale, Tennessee, Community Panel Number 470140 0001 B" dated on or after September 1 1986." Land subject to flood is further identified in the Oakdale Flood Insurance Study.

(5) "Mobile home:" Means a structure, transportable in one or more sections, which is built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(6) "Start of construction:" The first placement of permanent construction intended to result in the construction or placement of a structure, any part of which will be used as a dwelling.

(7) "Structure:" Any combination of materials in including buildings constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things signs, billboards, fences, and landfill.

(8) "Substantial improvement:" Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

(a) Before the improvement or repair is started, or

(b) If the structure has been damaged and is being restored, as before the damage occurred. For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(i) Any project or improvement of a structure to comply with the existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(ii) Any alteration of the structure listed on the National Register of Historic Places, or a State Inventory of Historic Places. (1977 Code, § 8-501, as amended by Ord. #86-33, May 1986)

14-302. Floodway. A floodway as shown on the Flood Insurance Rate map and referenced in § 14-301 is established to facilitate the needs of Emory River to carry the abnormal flows in time of flood; to prevent encroachment into the floodplain which will increase flood heights and flood damage; and to prevent insofar as possible the loss of life and damage to property in the area of greatest flood hazard. Within the floodway, buildings or structures which will restrict the flow of floodwater or otherwise create conditions hazardous to life and property are prohibited.

The building inspector shall not issue a building permit for any building or structure that does not comply with the intent of this chapter. In his review of requests for building permits, the building inspector may utilize the services of a competent engineer and shall be guided in his decision by the following standards, keeping in mind that the purpose of the floodway is to prevent encroachment into the floodplain which will unduly increase flood heights and endanger life and property.

(1) Any building or structure permitted shall be of a type not appreciably damaged by floodwaters, provided no structures for human

habitation shall be permitted. No new mobile homes shall be permitted in the floodway except in an existing mobile home park.

(2) No filling of land shall be permitted.

(3) Any building or structure permitted shall be designed to have a minimum effect upon the flow of water.

(4) Any building or structure permitted shall be firmly anchored to prevent the building or structure from floating away and thus threatening to block bridge openings and restricted sections of the river. Any construction approved within a floodway shall be certified by a registered engineer that such construction and/or resulting development or structure will not cause an increase in the base flood elevation. Certification shall be at the developer's expense.

(5) Where in the opinion of the building inspector topographic data, engineering, and other studies are needed to determine the effects of flooding on a proposed structure, and/or the effect of the structure on the flow of water, the building inspector may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.

(6) Any building or structure proposed to be located within 100 feet of any other main drainage channel or stream (hereafter referred to as stream) within the Town of Oakdale, Tennessee must be approved by the building inspector. The building inspector shall determine on the basis of the area of the watershed and the probable runoff, the openings needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of floodwater, provided, however, no building shall be permitted within ten (10) feet of the top of bank of any stream.

(7) The granting of approval of any building or structure shall not constitute a representation, guarantee, or warranty of any kind or nature by the Town of Oakdale, Tennessee, or by any officer or employee thereof of the practicability or safety of any building or structure or other plan proposed and shall create no liability upon or a cause of action against such public body, officer or employee for any damage that may result pursuant thereto. (1977 Code, § 8-502, as amended by Ord. #86-33, May 1986)

14-303. Floodway fringe area. The construction, alteration, and moving of any building or structure in any area outside the floodway but on land subject to flood, as defined by § 14-301 of this chapter, shall be subject to the following regulations.

(1) No building or structure shall be erected, and no existing building or structure shall be moved unless the main floor of said building or structure is at a higher elevation than the 100-year flood, as defined under § 14-301(1).

(2) No basement or other floor shall be constructed below or at a lower elevation than the base flood.

(3) Land may be filled provided such fill does not encroach into the floodway and provided such fill extends twenty-five (25) feet beyond the limits of any structures erected thereon. (1977 Code, § 8-503, as amended by Ord. #86-33, May 1986)

14-304. Development permit -- building permit. A permit shall be required for all new construction or substantial improvement (including prefabricated or mobile homes) to be located within the corporate limits of the Town of Oakdale, Tennessee.

(1) The mayor shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

- (a) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- (b) use construction materials and utility equipment that are resistant to flood damage; and
- (c) use construction methods and practices that will minimize flood damage; and

(2) The mayor shall review subdivision proposals and other proposed new developments to assure that:

- (a) all such proposals are consistent with the need to minimize flood damage;
- (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
- (c) adequate drainage is provided so as to reduce exposure to flood hazards; and

(3) The mayor shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding; and

(4) For failure to apply for and obtain a permit as required by this section the person, firm or corporation determined to be in violation may be fined in accordance with the provisions of the general penalty clause in this code of ordinances.

(5) The mayor shall require positive proof that all state, federal, and local government permits have been obtained before issuing a permit for any development proposal. (1977 Code, § 8-504, as amended by Ord. #86-33, May 1986)

14-305. Administration, development permit. A development permit shall be required in conformance with the provisions of this chapter.

(1) Application for a development permit shall be made with the mayor on forms furnished by him, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required:

(a) Elevation in relation to mean sea level (MSL) of the lowest floor (including basement) of all proposed structures.

(b) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

(c) Certification by a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in this chapter.

(d) Description to the extent to which any watercourse will be altered or relocated as a result of proposed development. (1977 Code, § 8-505)

14-306. Designation of local administrator. (1) The mayor of the Town of Oakdale is hereby appointed to administer and implement this chapter by granting or denying development and permanent applications in accordance with its provisions. Duties of the mayor shall include, but not be limited to:

(a) Permit review:

(i) Review all development permits to determine that the permit requirements have been satisfied.

(ii) Review all development permits to require that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required.

(iii) Review all development permits to determine if proposed development adversely affects the flood-carrying capacity of the floodplains. For the purpose of the chapter (adversely affects) means damage to adjacent properties because of rises and flood stages attributed to physical changes of the channel in the adjacent overbank areas.

(2) If it is determined that there is no adverse effect, and the development is not a building, then the permit shall be granted without further consideration.

(3) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineering analysis) for the proposed development shall be required.

(4) If the proposed development is a building, then the provisions of this chapter shall apply. (1977 Code, § 8-506)

14-307. Use of other base flood data. When base flood elevation data has not been provided, the mayor shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source. (1977 Code, § 8-507)

14-308. Information to be obtained and maintained. Verify and record on or with the development (building permit) the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(1) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.

(2) All records pertaining to the provisions of this chapter shall be maintained in the office of the mayor and shall be open for public inspection. (1977 Code, § 8-508, as amended by Ord. #86-33, May 1986)

14-309. Alteration of watercourses. (1) Notify adjacent communities and the director of the Local Planning Office, prior to any alteration or relocation of watercourse, and shall submit evidence of such notification to the federal insurance administration.

(2) Require that maintenance is provided within the altered or relocate portion of said watercourse so that the flood-carrying capacity is not diminished. (1977 Code, § 8-509, as amended by Ord. #86-33, May 1986)

14-310. Interpretation of FIRM boundaries. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual physical conditions), the mayor shall make the necessary interpretation. (1977 Code, § 8-510)

14-311. Reducing damages to mobile homes. New and substantially improved mobile home parks and subdivisions and mobile homes placed outside an existing mobile home park or subdivision shall be elevated to or above the base flood elevation. They shall be designed so that adequate access and drainage is provided, such design shall include safe egress during times of flooding. Approved and proven methods of construction and construction standards shall be used if pilings are used to elevate mobile homes.

Generally, mobile homes shall be installed using methods and practices which will minimize flood damage. Mobile homes in A and AE Zones shall be

elevated and anchored to resist flotation, collapse, and movement. (1977 Code, § 8-511, as amended by Ord. #86-33, May 1986)

14-312. Subdivision proposals. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or 5 acres. (1977 Code, § 8-512)