

## TITLE 14

### ZONING AND LAND USE CONTROL

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#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

- 14-101. Creation and membership.
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**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 six (6) members; two (2) of these shall be the mayor and another member of the city council selected by the city council; the other four (4) 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 four (4) members appointed by the mayor

shall be for three (3) years each. The four (4) members first appointed shall be appointed for terms of one (1), two (2), three (3) and four (4) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the city council shall run concurrently with their terms of office.

Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1978 Code, § 11-101)

**14-102. Organization, rules, staff, and finances.** The municipal planning commission shall elect its chairman from amongst its appointive members. The planning commission shall adopt rules for the transactions, findings, and determinations, which record shall be a public record. The planning commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the city council. (1978 Code, § 11-102)

**14-103. Powers and duties.** From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, then said commission shall have all the powers, duties, and responsibilities as set forth in Tennessee Code Annotated, title 13, the public welfare requiring it. (1978 Code, § 11-103)

## CHAPTER 2

### GENERAL ZONING PROVISIONS

#### SECTION

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**14-201. Title.** Chapters 2 through 17 of this title shall be known as the "Zoning Ordinance of Westmoreland Tennessee" and the map herein referred to which is identified by the title "Official Zoning Map, Westmoreland, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of chapters 2 through 17 of this title. The official zoning map shall be identified by the signature of the mayor attested by the mayor pro tempore. The official zoning map may be amended; provided, however, that no amendment of the official zoning map shall become effective until after such changes and entry has been made on said map and signed by the mayor and attested by the mayor pro tempore. (1978 Code, § 11-201)

**14-202. Purpose.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of Westmoreland. These provisions have been designed to lessen congestion in the streets; to secure safety from fires, panic, and other dangers; to allow adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote adequate transportation,

water, sewer, school, park, and other public systems; to conserve the value of buildings; and to encourage the most appropriate uses of land. (1978 Code, § 11-202)

**14-203. Definition of terms.** Unless otherwise stated the following words shall, for the purpose of chapters 2 through 17 of this title, have the meanings indicated. The present tense includes the future; singular includes the plural, and the plural the singular; "shall" in all cases is mandatory.

(1) "Abuts" or "abutting." Lots or land adjoining but separated by a common property line; also, those lots or lands which adjoin if property lines are extended to the center lines of streets.

(2) "Access ramp." A turning roadway at an interchange for travel between intersection legs.

(3) "Automobile graveyard." A yard, field or other area used as a space of storage for two (2) or more unserviceable, discarded, worn-out, or junked motor vehicles. A motor vehicle is defined as any self propelled vehicle not operated exclusively on a track, including motorcycles.

(4) "Building." Any structure built for, or occupied by, residence, business, industry, or other use, including a tent, lunch wagon, dining car, mobile home, travel trailer, or a similar structure whether stationary or movable.

(a) "Floor Area Ratio (FAR)." The floor area in square feet of all buildings on a lot, divided by the area of such lot in square feet.

(b) "Half-story." A story under a sloping roof, the finished floor area of which does not exceed one-half (1/2) of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty percent (50%) of the floor area immediately above.

(c) "Height of building." The distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of a building.

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

(e) "Total floor area." The area of all floors of a building, including finished attic, finished basement, and covered porches used for habitation.

(5) "Dwelling." A house, mobile home, apartment building, boarding house, tourist home, or other structure designed or used primarily for human habitation. For the purpose of chapters 2 through 17 of this title, the word "dwelling" shall not include a travel trailer, hotel, motel, or tourist court.

(a) "Apartment." A housing structure containing four (4) or more separate dwelling units.

(b) "Dwelling unit." That area in a dwelling structure designed and constructed for the occupancy of one family.

(c) "Group housing development." Two (2) or more dwellings located on the same tract in one ownership and constructed as a planned development.

(d) "Mobile home" or "house trailer." A detached residential dwelling designed for transient use when utilized with a motor vehicle, and considered as a permanent dwelling when all sanitary and utility connections are in place.

(e) "Mobile home park." A place or tract of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located on a single lot or tract of land not subdivided.

(f) "Travel trailer." A vehicular portable structure having a body width not exceeding eight feet (8') (pick-up, piggy-back, or motorized camper, converted bus, tent-trailer, or trailer designated as a travel trailer by the manufacturer) designed as a temporary dwelling for travel and recreational purposes only.

(6) "Emergency shelter." A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, and other emergencies.

(7) "Family." One (1) or more persons living as a single housekeeping unit.

(8) "Feeder road." A roadway which provides access to and from the interstate highway at an interchange.

(9) "Home occupation." An incidental occupation customarily carried on in the residence, utilizing no more than twenty-five percent (25%) of the usable floor area of all buildings; provided:

(a) No article or service be sold or offered for sale on the premises other than that produced by such occupation; and

(b) Such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.

(10) "Interchange." A system in conjunction with a grade separation or grade separation of interconnecting roadways providing for the interchange of traffic between two (2) or more roadways on different levels.

(11) "Interstate highway." A highway having separate lanes for opposing directions of traffic with a wide median strip between and having full controlled access.

(12) "Junkyard." A yard, field, or other area used as a place of storage for discarded, worn-out, or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron,

steel, and other scrap ferrous or non-ferrous material, garbage dumps, waste dumps, and sanitary fills.

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

(14) "Loading and unloading space." An area for the loading and unloading of trucks or other vehicles at least fifty feet (50') in depth, twelve feet (12') in width, (with an overhead clearance of not less than fourteen feet (14')), exclusive of access, platform, or maneuvering area.

(15) "Lot." A piece, parcel, or plot of land in one (1) ownership, which may include one (1) or more lots of record, occupied or to be occupied by one (1) or more principal structures and accessory structures and including the open spaces required under chapters 2 through 17 of this title.

(a) "Coverage." The relationship between the size of the building site and the amount of land utilized by principal and accessory structures.

(b) "Lot lines." The boundaries dividing a given lot from the street, an alley, or adjacent lots.

(c) "Lot of record." A lot whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as a legal record.

(16) "Nonconforming use." The use of a structure or of land that does not conform with the provisions of chapters 2 through 17 of this title for the district in which it is located.

(17) "Parking space." One vehicular parking space at least two hundred and forty (240) square feet in area and, at least ten feet (10') in width.

(a) "Gross parking area." An amount of land at least three hundred (300) square feet in area, to provide parking and driveway space adequate to accommodate one automobile in a parking area.

(b) "Automobile storage area." An off-street area reserved and suitable for automobile storage or parking, providing safe vehicular access to a public street or alley. See definition of "parking space."

(18) "Regulatory floodway." The stream channel and adjacent overbank areas that must be maintained free of obstructions to convey the waters of a 100-year flood, chosen as a basis for regulation, without increasing flow heights above assigned limits.

(19) "Shopping center." A group of compatible commercial establishments planned, developed, and managed as a unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shops to its trade area.

(20) "Sign." Any structure or part thereof or device attached thereto, painted on, or in any other manner represented on a building or other structure, which is used to announce, direct attention to, or advertise, and is visible from outside a building which displays any writing (including letter, word, or

numeral); pictorial representation (including device, symbol, or trademark); flag (including banner or pennant); or any other figure of similar character. Any of the above characteristics constitutes a sign within a building only when illuminated and located in a window.

(a) "Ground sign" or "billboard." Any sign not attached to any part of any building and which is supported by uprights or braces, placed upon the ground.

(b) "Off-site sign." A sign which directs attention to a business commodity or service to be, or being, conducted, sold, rented, leased, or otherwise offered for disposition elsewhere than on the premises.

(c) "On-site sign." Any sign other than an off-site sign.

(d) "Sign area." The area of the sign, excluding the structural elements lying outside the limits of such sign and not forming an integral part of the display.

(e) "Temporary sign." Any sign which is by reason of construction or purpose intended to be displayed for a short period of time. Unless specifically stated elsewhere in chapters 2 through 17 of this title a period of three (3) months is the maximum time limit for the display of a temporary sign.

(f) "Flashing sign." A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times.

(g) "Projecting sign." Any sign extending over the public sidewalk or beyond the street right-of-way boundary.

(h) "Roof sign." Any sign erected, constructed, or maintained upon the roof of any building.

(i) "Street graphic." A sign oriented toward traffic or a street right-of-way.

(j) "Wall sign." Any sign on any surface or plan that may be affixed parallel to or printed on the wall of any building.

(21) "Special exception." A special exception in chapters 2 through 17 of this title is one allowable where facts and conditions detailed in those chapters as those upon which an exception may be permitted are found to exist. Special exceptions may be granted by the board of zoning appeals only in those districts where special exceptions are permitted, and where the proposed use would not, in the opinion of the board, be detrimental to the character, pattern, and general welfare of the district.

(22) "Street." Any public or private way set aside for public travel which is thirty feet (30') or more in width. The word "street" shall include the words "road," "highway," and "thoroughfare."

(a) "Alley." Any public or private way less than thirty feet (30') in width set aside for public travel.

(b) "Arterial street or system." A continuous highway or system of highways which connects cities and concurrently absorbs collector traffic.

(c) "Center line of street." That line surveyed and monumented by appropriate governmental authority as the center of a street. If such line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

(d) "Circulation." The flow of traffic, goods, or people within and through an area.

(e) "Collector street." An urban street which collects traffic from minor streets and feeds it into the arterial system.

(f) "Curb line." The line formed by a curb extending along its roadbed.

(g) "Point of access." On a public street, a driveway cut not exceeding twenty-five feet (25') in width, except as otherwise provided in chapters 2 through 17 of this title.

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

(23) "Structure." Any constructed or erected material or combination of materials, requiring space, including but not limited to, buildings, stadiums, radio towers, sheds, storage dens, fall-out shelters, swimming pools, fences, and signs.

(a) "Accessory structure." A subordinate structure, the use of which is incidental to that of a principal structure on the same lot.

(b) "Principal structure." A structure in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with regard to meeting any yard requirement.

(24) "Yard." Open space on the same lot with one or more principal structures unoccupied, and unobstructed by buildings from the ground to the sky, except as otherwise provided in chapters 2 through 17 of this title.

(a) "Front yard." The yard extending across the entire width of a lot between the right-of-way line of a public street and the nearest part of a principal structure. In the case of a corner lot, the regional zoning compliance officer shall identify the front yard for the purpose of compliance with chapters 2 through 17 of this title.

(b) "Rear yard." The yard extending across the entire width of a lot between the rear lot line and the nearest part of a principal structure.



(c) "Side yard." The yard extending along a side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of a principal structure.

(d) "Yard depth." The shortest distance between the right-of-way line of a public street and the nearest part of a principal structure on a lot. (1978 Code, § 11-203)

**14-204. Structures and uses to conform to district regulations.**

Except as herein provided, within the corporate limits of the City of Westmoreland, Tennessee, no structure or land shall be used and no structure or parts thereof shall be erected, moved, or altered, unless for a use permitted by and in conformity with the regulations for the district in which it is located. (1978 Code, § 11-204)

**14-205. Nonconforming uses and structures.** All nonconforming uses of land shall be discontinued and all nonconforming structures shall be torn down, altered, moved, or otherwise made to conform within twenty-five (25) years, with the exception of junkyards, commercial animal yards, and lumber yards not on the same lot with a plant or factory, which shall be torn down, altered, moved, or otherwise made to conform within one (1) year from the date of enactment of the provisions of chapters 2 through 17 of this title.

(1) A nonconforming sign shall be made to conform within one (1) year.

(2) Mobile homes and mobile home parks shall be made to conform within eighteen (18) months from the date of enactment of the provisions of chapters 2 through 17 of this title.

(3) A lot of record on which a mobile home is located shall be made to conform within ten (10) years if located in R-2 zoning. If located in R-1 zoning the owner shall conform within eight (8) years. Said mobile home shall comply with standards as set forth in § 14-607(2).

(4) All nonconforming structures shall be razed after remaining vacant for one (1) year (three hundred sixty-five (365) days) after the date of adoption of the provisions of chapters 2 through 17 of this title. (1978 Code, § 11-205)

**14-206. Number of structures and uses associated with a lot.** No part of a yard or other open space, or automobile storage area, or loading and unloading space, required about or in connection with any structure for the purpose of complying with chapters 2 through 17 of this title, shall be included as a part of a yard, or other open space or automobile storage area, or loading or unloading space similarly required for any other structure.

With the exception of group housing developments, including mobile home parks, only one (1) principal structure and its customary accessory structures shall hereafter be erected on any lot in a residential district. No building shall be erected on a lot which does not abut at least one (1) street for at least fifty feet (50'). This section shall not apply to properties abutting a cul-de-sac, or to

those with an easement of at least thirty feet (30') in width to a street which has been accepted as a public thoroughfare. (1978 Code, § 11-206)

**14-207. Emergency shelters.** Emergency shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately; and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be used for principal or accessory uses prohibited expressly or by implication in the district. (1978 Code, § 11-207)

**14-208. Minimum lot area.** No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the provisions of chapters 2 through 17 of this title shall meet at least the minimum requirements established by those provisions. This section shall not apply when a portion of a lot is acquired for a public purpose, or in projects approved under cluster residential development provisions. (1978 Code, § 11-208)

**14-209. Rear yard abutting a public street.** When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five feet (25') of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street. (1978 Code, § 11-209)

**14-210. Obstruction to vision at street intersection.** On a corner lot within the area formed by the center line of intersecting streets and a line joining points on such center lines at a distance of one hundred feet (100') from their intersection, there shall be no obstruction to vision between a height of three and one-half feet (3 1/2') and a height of ten feet (10') above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall. (1978 Code, § 11-210)

**14-211. Automobile storage.** An automobile storage area shall be provided on each lot in which any of the following uses are hereafter established. Such parking area shall meet the following minimum requirements:

(1) Amusement places (auditoriums, stadiums, theaters, or similar uses). One (1) parking space for the number of employees; plus the number of patron seats divided by three (3).

(2) Churches. Five (5) parking spaces for the first thirty (30) individual seating spaces; plus one (1) parking space for every twenty (20) individual seating spaces thereafter.

(3) Dining places (restaurants, tea rooms, night clubs, coffee shops, or similar uses). Three (3) square feet of automobile storage area for every square foot of customer service area; plus one (1) parking space for every four (4) employees.

(4) Funeral homes or mortuaries. One (1) parking space for every six (6) seats; or in the case of no fixed seats, one (1) parking space for every one hundred (100) square feet of chapel area; plus one (1) parking space for every funeral vehicle and one (1) for every resident family.

(5) Hospitals. One (1) parking space for every six (6) beds plus one (1) parking space for every doctor; plus one (1) parking space of every two (2) nurses and other employees.

(6) Hotels. One (1) parking space for every guest room; plus one (1) parking space for every three (3) employees.

(7) Industrial or manufacturing establishments. One (1) parking space for every three (3) employees; plus one (1) parking space for every business vehicle.

(8) Motels or cabins. One (1) parking space for every unit; plus one (1) parking space for every three (3) employees.

(9) Medical or dental clinics. Three (3) parking spaces for every doctor; plus one (1) parking space for every two (2) employees.

(10) Office, professional, or public buildings. Four (4) square feet of automobile storage area for every square foot of office space; plus one (1) parking space for every three (3) employees.

(11) Passenger terminals. Three (3) square feet of automobile storage area for every square foot of commercial floor area; plus one (1) parking space for every three (3) employees.

(12) Recreational areas (bowling alleys, swimming pools, skating rinks, or similar uses). Four (4) square feet of automobile storage area for every square foot of floor area devoted to recreational use.

(13) Retail business or personal service establishments. Four (4) square feet of automobile storage area for every square foot of customer service area; plus one (1) parking space for every three (3) employees.

(14) Roadside service facilities (service stations, repair shops, or similar uses). One parking space for every gasoline pump; plus one (1) parking space for every car wash room, every grease rack, every mechanic's stall, or similar area; plus one (1) parking space for very two (2) employees.

(15) Shopping centers. Four (4) square feet of automobile storage area for every square foot of building area; plus one (1) parking space for every three (3) employees.

(16) Wholesale businesses or warehousing. One (1) parking space for every three (3) employees; plus one (1) parking space for every business vehicle.

(17) Other structures or uses customarily requiring automobile storage areas. One (1) parking space for every one hundred (100) square feet of floor area occupied.

(18) Parking angle. Where ninety (90) degree parking is planned or required, a width of sixty-five (65) lineal feet shall be provided for two (2) tiers of automobiles separated by a two-way aisle. (1978 Code, § 11-211)

**14-212. Other automobile storage requirements.** If a required automobile storage area cannot be provided on the same lot with a principal use, the Westmoreland Board of Zoning Appeals may permit such space on other property not in a residential district to be used; provided, that it lies within four hundred feet (400') of the main entrance to such principal use. One-half (1/2) of the automobile storage area required for a church, theater, or other place of assembly, whose peak attendance is at another time, may be assigned to another use. (1978 Code, § 11-212)

**14-213. Loading or unloading space.** If loading or unloading space is required, one (1) loading space for standing, loading, and unloading shall be provided for each twenty-five thousand (25,000) square feet of gross floor space. (1978 Code, § 11-213)

**14-214. Vehicular access control.** (1) In a residential or industrial district, a point of access shall not be permitted within thirty feet (30') of the curb line (or street line when there is no curb) of any public street intersection.

(2) In a business district, a point of access shall not be permitted within twenty feet (20') of the curb line (or street line when there is no curb) of any public street intersection.

(3) In non-residential districts, vehicular service uses may be permitted points of access exceeding twenty-five feet (25') but not exceeding thirty-five feet (35') in width; provided, that they do not exceed fifty percent (50%) of their respective street frontage.

(4) On lots with less than one hundred feet (100') of street frontage, there shall be only one (1) point of access per adjoining street; however, on lots with more than one hundred feet (100'), there shall be not more than two (2) points of access per adjoining street. (1978 Code, § 11-214)

**14-215. Signs permitted in all districts.** The following signs shall be permitted in all districts:

(1) Signs of duly constituted governmental bodies including warnings at crossroads;

(2) Flags or emblems of political, civic, philanthropic, educational, or religious organizations;

(3) Temporary signs, totaling not over two (2) square feet of surface area on any lot, pertaining to campaigns, drives, or events of political, civic,

philanthropic, educational, or religious organizations, provided, that such surface area may not exceed two (2) square feet for a single period of not more than seven (7) days in any quarter calendar year;

(4) Memorial plaques, cornerstones, historical tablets, and the like;

(5) Signs not visible off the lot upon which they are situated;

(6) Signs posted in conjunction with door bells or mail boxes not exceeding seven (7) square inches of surface area.

(7) Signs required by law or governmental order, rule, or regulation, unless specifically prohibited, limited, or restricted;

(8) Small unilluminated signs, not exceeding one and one-half (1 1/2) square feet in surface area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances, and the like;

(9) Address signs, not more than one (1) for each street frontage or each principal use on a lot and not exceeding seventy-two (72) square inches in surface area, showing only the numerical address designations of the premises upon which they are situated;

(10) One (1) sign of not more than twelve (12) square feet pertaining to the sale, lease, hire, or rental of the property on which the sign is displayed; provided, that if said property faces more than one (1) street, one (1) sign shall be located not nearer than ten feet (10') to an adjoining premise, and not nearer than five feet (5') to a street right-of-way;

(11) One (1) temporary sign not to exceed twelve (12) square feet in area indicating the name of the contractors, engineers, and/or architects of a project during construction period;

(12) Permanent architecturally designed signs containing the name of individual developments if approved by the planning commission. (1978 Code, § 11-215)

**14-216. Signs prohibited in all classified districts.** The following signs shall be prohibited in all classified districts:

(1) Signs on any vacant lot or parcel of land lying between two (2) residential structures or uses where said structures or uses are less than one hundred feet (100') apart or located within fifty feet (50') of any residential use in the same block frontage.

(2) Off-site signs within one hundred feet (100') of any public school ground or public park.

(3) Except for public safety, no off-site signs within three hundred feet (300') of railroad crossings.

(4) Signs painted on or attached to fence posts, trees, rocks, canopy posts, or utility poles.

(5) Portable signs or signs using floodlights, spotlights, flashing or blinking lights and/or signs using variations in intensity of illumination; signs containing revolving or moving parts, or employing the words "stop," "help,"

"danger," or any other word implying distress or requesting sudden action on the part of the observer.

(6) Attached signs extending above the roof line of any building.

(7) Banners of any material placed so as to cross or partially be above any public street, sidewalk, alley or other thoroughfare, except as provided in § 14-215(3). (1978 Code, § 11-216)

**14-217. Landscape treatment.** Landscaping or screening shall be required, if deemed necessary by the planning commission, not to exceed ten percent (10%) of the total site area. (1978 Code, § 11-217)

**14-218. Plot plan requirements.** The purpose of this section is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for zoning compliance certificates must submit scale drawings, according to the particular types of development proposals, to the Westmoreland Planning Commission (hereafter referred to as the planning commission), in accordance with the following procedures:

(1) Proposals for the construction or location of a single principal structure on a lot (with the exception of single-family and two-family dwellings) shall be submitted at a scale no smaller than one inch equals one hundred feet (1" = 100'), and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, utilities, sewage facilities, and landscape treatment in accordance with the general provisions previously outlined in the above sections of this chapter.

(2) Proposals for group housing developments, including mobile home parks, and for planned shopping centers shall follow separate provisions subsequently outlined in this title.

(3) The above applications must be supported by any other information or data as might be deemed necessary by the planning commission. (1978 Code, § 11-218)

**14-219. Floodway fringe area requirements.** The floodway fringe is that area lying outside the floodway district, as shown on the regional zoning map, but within the area subject to the largest flood on record. The use of land within the floodway fringe shall be subject to the following regulations:

(1) No building or structure shall be erected, and no existing building or structure shall be extended or moved unless the main floor of said building or structure is placed above the elevation of the flood referred to above. No basement floor or other floor shall be constructed below or at a lower elevation than the main floor. Foundations of all structures shall be designed to withstand flood conditions at the site.

(2) Any structure proposed to be located outside the floodway district but within one hundred feet (100') of any main drainage channel or stream (hereafter referred to as stream) within Westmoreland must be approved by the planning commission. The planning commission 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 flood waters; provided, however, no building shall be permitted within fifty feet (50') of the top of the bank of any stream. (1978 Code, § 11-219)

**14-220. Classification of districts.** For the purpose of chapters 2 through 17 of this title, the Westmoreland, Tennessee Planning Region is hereby divided into nine (9) districts as follows:

- (1) R-1 Residential (single family residential);
- (2) R-2 Residential (general residential);
- (3) R-3 Residential (mobile home parks);
- (4) C-1 Commercial (local convenience shopping and commercial office uses);
- (5) C-2 Commercial (central shopping areas);
- (6) C-3 Commercial (interchange and highway commercial);
- (7) I Industrial;
- (8) A Agricultural;
- (9) F Floodway.

The boundaries of these districts are hereby established as shown on the Westmoreland Zoning Map dated November 15, 1976 (hereafter referred to as the City of Westmoreland Zoning Map), which is on file in the office of the recorder.

Unless otherwise indicated on the regional zoning map, the district boundaries follow lot-lines, the center lines of streets or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of enactment of chapters 2 through 17 of this title. (1978 Code, § 11-220)

## CHAPTER 3

### R-1 SINGLE FAMILY RESIDENTIAL DISTRICTS (LOW DENSITY)

#### SECTION

- 14-301. Intent.
- 14-302. Uses permitted.
- 14-303. Uses permitted on appeal.
- 14-304. Uses prohibited.
- 14-305. Lot area, lot width, and building area.
- 14-306. Height of buildings.
- 14-307. Location of accessory structures.

**14-301. Intent.** It is the intention of this chapter to provide a low density residential environment having good access to schools, public water, and other community services, but well separated from heavy traffic and other incompatible activities.

Within R-1 Single Family Residential Districts as shown on the city zoning map, the regulations of this chapter shall apply. (1978 Code, § 11-301)

**14-302. Uses permitted.** The following uses are permitted:

- (1) Single family dwellings;
- (2) Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools;
- (3) The taking of boarders or the renting or leasing of rooms by the family resident on the premises; provided, that not over twenty-five percent (25%) of the total floor area is used for such purpose;
- (4) Public and private parks, playgrounds and play-fields, country clubs and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district;
- (5) Customary home occupations conducted within the principal structure, but only by a resident of the premises; provided, that not more than one person, not a resident of the premises, is employed;
- (6) One (1) unilluminated temporary on-site sign not exceeding one hundred (100) square feet in area, with no dimension exceeding twelve feet (12'), at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of six (6) months; any remaining nonconforming sign may be removed by the city at the expense of the owner;
- (7) One (1) unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season;
- (8) Farming uses;



(9) Accessory uses or structures customarily incidental to the above permitted uses. (1978 Code, § 11-302)

**14-303. Uses permitted on appeal.** Churches or places intended for worship by a recognized religious body and any other similar uses or structures may be permitted on appeal subject to such condition as the Westmoreland Board of Zoning Appeals may require in order to preserve and protect the character of the area in which the proposed use is located. (1978 Code, § 11-303)

**14-304. Uses prohibited.** Mobile homes, billboards and similar advertising structures and uses not specifically permitted or permitted on appeal are prohibited. (1978 Code, § 11-304)

**14-305. Lot area, lot width, and building area.** The principal structure or structures shall be located to comply with the following requirements:

(1) Lot area, lot width, rear and side yards.

(a) For uses not served by sanitary sewers:

- Minimum lot area for dwelling..... 30,000 sq. ft.
- Minimum lot width at building line for residences..... 100 ft.
- Minimum rear yard..... 40 ft.
- Minimum side yard..... 25 ft.
- Minimum lot width of building line on cul-de-sac lots. .... 80 ft.

(b) For uses served by sanitary sewers:

- Minimum lot area for dwellings..... 20,000 sq. ft.
- Minimum lot width at building line:
  - For residences..... 100 ft.
  - For institutional uses..... 250 ft.
  - For other permitted uses. .... 200 ft.
- Minimum rear yard..... 30 ft.
- Minimum side yard:
  - For one- and two-story buildings..... 15 ft.
  - For three-story buildings..... 20 ft.
  - For streetside portions of corner lots..... 40 ft.

(2) Front yards. All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official municipal regional thoroughfare plan:

- Arterial streets..... 50 ft.
- Collector streets. .... 40 ft.
- Minor streets..... 40 ft.

(3) **Building area.** On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed forty percent (40%) of the total area. Accessory structures shall not cover more than twenty percent (20%) of any rear yard. (1978 Code, § 11-305)

**14-306. Height of buildings.** Principal structures shall not exceed three (3) stories nor thirty-five feet (35') in height, except for churches which must increase each side yard width over the required minimum by five feet (5') for every five feet (5') or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height. (1978 Code, § 11-306)

**14-307. Location of accessory structures.** (1) No accessory structure shall be erected or located in any required front or side yards.

(2) Accessory structures shall be located at least five feet (5') from all lot lines and from any building on the same lot. (1978 Code, § 11-307)

## CHAPTER 4

### R-2 GENERAL RESIDENTIAL DISTRICTS (MEDIUM AND HIGH DENSITY)

#### SECTION

- 14-401. Intent.
- 14-402. Uses permitted.
- 14-403. Uses permitted on appeal.
- 14-404. Uses prohibited.
- 14-405. Lot area, lot width, and building area.

**14-401. Intent.** It is the intention of this chapter to provide a medium density residential environment having good access to schools, public water, sewerage, and other community services, but well separated from heavy traffic and other incompatible activities.

Within R-2 General Residential Districts as shown on the Westmoreland Zoning Map, the regulations of this chapter shall apply. (1978 Code, § 11-401)

**14-402. Uses permitted.** The following uses are permitted:

- (1) Single and duplex family dwellings, and required accessory structures;
- (2) Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools;
- (3) The taking of boarders or the renting or leasing of rooms by the family resident on the premises; provided, that not over twenty-five percent (25%) of the total floor area is used for such purposes;
- (4) Public and private parks, playgrounds, and play-fields, country clubs and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district;
- (5) Customary home occupations conducted within the principal structure, but only by a person resident of the premises, provided, that not more than one (1) person, not a resident of the premises is employed;
- (6) One (1) unilluminated temporary on-site sign not exceeding one hundred (100) square feet in area, with no dimension exceeding twelve feet (12'), at each major approach to a subdivision advertising the sale of houses or lots;
- (7) One (1) unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season;
- (8) Farming uses;
- (9) Accessory uses or structures customarily incidental to the above permitted uses;

(10) Group housing developments in accordance with provisions set forth in chapter 6 of this title. (1978 Code, § 11-402)

**14-403. Uses permitted on appeal.** Churches and other places of worship, schools offering general education courses; railroad rights-of-way; municipal, county, state, or federal uses except storage facilities; public utilities, except storage facilities; cemeteries; philanthropic institutions and clubs, except clubs the chief activities of which are customarily carried on as business; and any other similar uses or structures may be permitted on appeal subject to such conditions as the Westmoreland Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. (1978 Code, § 11-403)

**14-404. Uses prohibited.** Billboards and similar commercial advertising structures, mobile homes, and uses not specifically permitted on appeal are prohibited. (1978 Code, § 11-404)

**14-405. Lot area, lot width, and building area.** The principal structure or structures shall be located to comply with the following requirements:

- (1) For uses served by sanitary sewers in medium density districts:  
 Minimum lot area for dwelling. . . . . 20,000 sq. ft.  
 Minimum lot width at building line for residences. . . . . 100 ft.
- (2) For uses served by sanitary sewers in high density districts:  
 Minimum lot area for dwelling. . . . . 15,000 sq. ft.  
 Minimum lot width at building line:  
     For residences. . . . . 100 ft.  
     For institutional uses. . . . . 250 ft.  
     For other permitted uses. . . . . 125 ft.  
 Minimum rear yard. . . . . 30 ft.  
 Minimum side yard:  
     For one- or two-story buildings. . . . . 20 ft.  
     For three-story buildings. . . . . 20 ft.  
     For street side portions of corner lots  
         minimum plus fifty percent (50%).  
 Minimum building setback in both districts shall be fifty feet (50').

(1978 Code, § 11-405)

## CHAPTER 5

### R-3 MOBILE HOME PARKS

#### SECTION

14-501. Intent.

14-502. Uses permitted.

14-503. Uses permitted on appeal.

14-504. Uses prohibited.

**14-501. Intent.** It is the intention of this chapter to provide a high density residential environment having good access to schools, public water, sewerage, and other community services, but well separated from heavy traffic and other incompatible activities.

Within R-3 General Residential Districts as shown on the Westmoreland Zoning Map, the regulations of this chapter shall apply. (1978 Code, § 11-501)

**14-502. Uses permitted.** The following uses are permitted:

- (1) Mobile home parks in accordance with chapter 6 of this title;
- (2) Public and private parks, playgrounds, and play-fields;
- (3) Customary home occupations conducted within the principal structure, but only by a person resident of the premises; provided, that not more than one (1) person not a resident of the premises is employed. (1978 Code, § 11-502)

**14-503. Uses permitted on appeal.** Churches and other places of worship, schools offering general education courses; railroad rights-of-way; municipal, county, state, or federal uses except storage facilities; public utilities, except storage facilities; cemeteries; philanthropic institutions and clubs, except clubs the chief activities of which are customarily carried on as business; and any other similar uses or structures may be permitted on appeal subject to such conditions as the Westmoreland Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located. (1978 Code, § 11-503)

**14-504. Uses prohibited.** Billboard and similar commercial advertising structures and uses not specifically permitted or permitted on appeal are prohibited. (1978 Code, § 11-504)

## CHAPTER 6

### GROUP HOUSING DEVELOPMENTS AND MOBILE HOME PARKS

#### SECTION

- 14-601. Intent.
- 14-602. Permit; procedure for approval.
- 14-603. Information required.
- 14-604. Review procedure--preliminary review.
- 14-605. Review procedure--final review.
- 14-606. Required development standards.
- 14-607. Required improvements.

**14-601. Intent.** This chapter is intended to provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing, mobile home parks, or other projects involving the location of two (2) or more residential structures on a single lot or tract of land, not subdivided.

Mobile home parks involving more than three (3) dwellings per acre are a medium to high density residential use much like apartments, and require public sanitary sewerage. It is intended that mobile home parks be located so as to have direct access to major streets and to convenient commercial facilities. (1978 Code, § 11-601)

**14-602. Permit; procedure for approval.** A permit for a group housing development or mobile home park shall be issued by the city building inspector only as authorized by the Westmoreland Board of Zoning Appeals. The board shall so authorize said permit only after application and review in accordance with the requirements of this chapter, and after the board determines that the proposed location meets the intent of chapters 2 through 17 of this title and that the indicated development standards in §§ 14-606 and 14-607 will be followed. (1978 Code, § 11-602)

**14-603. Information required.** The following information shall be required before a permit is issued:

(1) General location sketch map at a scale not smaller than one inch equals one thousand feet (1" = 1000'), showing:

- (a) The approximate boundaries of the site;
- (b) External public access streets or roads in relation to the site;
- (c) Surrounding development (i.e., general residential, commercial, and industrial areas) within one (1) mile of site;
- (d) Any public water and sewer systems in relation to site.

(2) Site plan drawn to a scale no smaller than one inch equals one hundred feet (1" = 100'), showing:

- (a) Topographic contours at five foot (5') intervals, and drainage ways;
- (b) The location and dimensions of proposed internal streets, structures, mobile home spaces, and off-street parking spaces;
- (c) Points of access to public streets;
- (d) The location and size of available water and sewer lines;
- (e) The location and dimensions of any easements. (1978 Code, § 11-603)

**14-604. Review procedure--preliminary review.** Three (3) copies of the proposal containing the information required above shall be submitted to the Westmoreland Board of Zoning Appeals at least ten (10) days in advance, for preliminary review. The board may refer the proposal to the Westmoreland Planning Commission for its review and recommendation. Note: The site plan may be submitted at a later date up to one (1) year after the location has been given preliminary approval. (1978 Code, § 11-604)

**14-605. Review procedure--final review.** After preliminary approval of the complete proposal (§ 14-604), the board shall schedule a final review at public hearing. Public notice of the hearing shall be published in a newspaper of general circulation in Westmoreland at least ten (10) days in advance of hearing date. (1978 Code, § 11-605)

**14-606. Required development standards.** The following development standards shall apply:

- (1) Location. (a) The site shall be comprised of a single lot or tract of land, except where divided by public streets.
  - (b) The site shall abut a public street.
  - (c) Permanent residential structures, other than mobile homes, shall not be located within a site to be developed as a mobile park.
- (2) Dimensions. (a) The minimum front yard depth on a public street shall be twenty-seven feet (27') for mobile homes not wider than twelve feet (12') or longer than sixty feet (60').
  - (b) The minimum yards adjoining another zoning district shall be twenty-five feet (25').
- (3) Internal streets. (a) The minimum right-of-way width of collector streets exceeding five hundred feet (500') in length, or serving more than fifty (50) dwelling units, shall be fifty feet (50').
  - (b) The minimum right-of-way width of minor streets shall be thirty feet (30').
  - (c) The maximum grade on any street shall be ten percent (10%).

(d) Where feasible, all street intersections shall be at right angles.

(4) Public street access. (a) The minimum distance between access points along public street frontage, center line to center line, shall be two hundred feet (200').

(b) The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred feet (100').

(c) Corner lots shall be fifty percent (50%) wider than other lots.

(5) Mobile home spacing. (a) The minimum length of each mobile home space shall be one hundred feet (100').

(b) The minimum width of each mobile home space shall be fifty feet (50').

(c) The minimum width for double wide mobile homes shall be seventy feet (70').

(d) The minimum depth of yards on a mobile home space shall be ten feet (10'). (1978 Code, § 11-606)

**14-607. Required improvements.** The following improvements shall be required:

(1) Internal streets. (a) Streets shall be privately constructed and maintained.

(b) The base of streets shall consist of crushed stone or gravel, eight inches (8") in depth, compacted.

(c) The surface of streets shall consist of asphalt or better materials, two inches (2") in depth, compacted.

(d) The minimum pavement width of collector streets shall be twenty-four feet (24').

(e) The minimum pavement width of minor streets shall be twenty feet (20').

(f) Closed ends of dead-end streets shall provide a vehicular turn-around at least eighty feet (80') in diameter.

(g) Off-street parking bays shall be provided for all mobile home lots.

(2) Mobile home stands. (a) Mobile home stands shall be of gravel or concrete and shall have sufficient area to accommodate appurtenances such as canopies, patios, and porches.

(b) Anchors and underpinning shall be required as specified by the Civil Defense Preparedness Agency in Technical Memorandum 73-1, February 1973, or as later amended.

(3) Utilities. The development shall be serviced with public or package sanitary sewerage and public water on trunk lines not less than eight inches (8") and six inches (6"), respectively. Septic sewage disposal shall be permitted only on mobile home spaces of forty thousand (40,000) square feet or more except



present mobile home parks, which may be permitted to operate as is provided they meet current county and city health standards. Such permission past the eighteen (18) months deadline will be granted for twelve (12) months subject to review.

(4) Storage of waste. Any central refuse disposal area shall be maintained in such manner as to meet county and city health requirements and shall be screened from view.

(5) Service buildings. (a) Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

(b) There shall be at least fifty feet (50') separating permanent buildings on the site from any mobile home space.

(6) Screens along major streets. The planning commission may require a screen of trees or aesthetic fencing along certain major streets.

(7) Recreation area. A recreation area consisting of a minimum of twenty-five thousand (25,000) square feet of outdoor space shall be dedicated in all mobile home parks. (1978 Code, § 11-607)

## CHAPTER 7

### C-1 DISTRICTS (LOCAL CONVENIENCE SHOPPING AND COMMERCIAL OFFICE USES)

#### SECTION

- 14-701. Intent.
- 14-702. Uses and structures permitted.
- 14-703. Prohibited uses and structures.
- 14-704. Required lot area, lot widths, and yards.
- 14-705. Required setback.
- 14-706. Height of buildings.
- 14-707. Off-street parking.
- 14-708. Access control.
- 14-709. Landscaping and screening.
- 14-710. Approval of planning commission.
- 14-711. Limitations on advertising uses.

**14-701. Intent.** It is the intention of this chapter to provide for appropriate local convenience shopping and commercial office type uses in areas appropriate for serving the public and to establish standards for off-street parking, safety, and aesthetics. It is recognized that these uses generate less traffic than some commercial uses and are more compatible to adjacent residential uses. Within the C-1 Commercial District, as shown on the Westmoreland Zoning Map, the regulations of this chapter shall apply. (1978 Code, § 11-701)

**14-702. Uses and structures permitted.** Real estate offices, insurance sale offices, banks, professional offices, florist shops, beauty parlors, and any similar use which, in the opinion of the board of zoning appeals, is in keeping with the character of the district, and any accessory use or building customarily incidental to the above permitted uses are permitted. (1978 Code, § 11-702)

**14-703. Prohibited uses and structures.** Any use or structure not specifically permitted or permitted on appeal is prohibited. (1978 Code, § 11-703)

**14-704. Required lot area, lot widths, and yards.** (1) The minimum lot area shall be ten thousand (10,000) square feet.

(2) The minimum depth of front yards measured from the right-of-way line shall be thirty feet (30').

(3) The minimum rear yard shall be twenty feet (20').

(4) The minimum width of each side yard shall be twenty feet (20').

(5) The minimum width of each side yard shall be fifteen feet (15'); provided, however, that any side yard that abuts a street or public way shall be twenty feet (20').

(6) The maximum building area shall be sixty percent (60%) of total lot area. (1978 Code, § 11-704)

**14-705. Required setback.** Every building or its accessory building shall be set back from the right-of-way line at least thirty feet (30'). (1978 Code, § 11-705)

**14-706. Height of buildings.** No building shall exceed three (3) stories or thirty-five feet (35') in height. (1978 Code, § 11-706)

**14-707. Off-street parking.** Off-street automobile storage or parking space shall be provided on each lot on which any of the permitted uses are established. Such space shall be provided with vehicular access to a street and shall be equal at least to the minimum requirements for specific uses as set forth below. One (1) passenger vehicle space shall be two hundred (200) square feet in area.

(1) Real estate office. No less than two (2) parking spaces for each office or employee in the office, whichever is greater.

(2) Insurance office. Same as for real estate offices.

(3) Professional offices. No less than five (5) spaces for each physician practicing on the premises and not less than four (4) spaces for each attorney employed on the premises.

(4) Other uses. As may be required by the planning commission. (1978 Code, § 11-707)

**14-708. Access control.** (1) Access barrier. Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings used for commercial purposes, and its parking or service areas, shall be physically separated from the highway or street by a curb, planting strip or other suitable barrier against unchanneled motor vehicle ingress and egress, except for access ways as authorized in subsection (2) below.

(2) Accessways. Each separate use, grouping of attached buildings or groupings of uses permitted as part of a single integrated plan, shall have not more than two (2) accessways to any highway or street. Insofar as practicable, the use of common accessways by two (2) or more permitted uses shall be provided in order to reduce the number and closeness of access points along the highway, and to encourage the fronting of commercial structures upon a marginal street and not directly upon a public highway.

(3) Access regulations. The following regulations concerning accessways shall apply:

(a) A point of access shall be no closer than fifty feet (50') to any point of controlled access, provided however, that in a case of hardship caused by the narrowness or shape of any particular lot, the board of zoning appeals may issue a variance when such hardship is proved, nor within thirty feet (30') of the curb line of any public street intersection.

(b) A point of access shall not exceed thirty-five feet (35') in width.

(c) The distance between any two (2) points of access shall be no less than twenty-five feet (25'). (1978 Code, § 11-708)

**14-709. Landscaping and screening.** (1) Each site shall be developed with at least ten percent (10%) of its area landscaped with green treatment.

(2) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(3) Signs painted on or attached to fence posts, trees, rocks, canopy posts, utility poles, or light poles.

(4) No signs may be placed within twenty-five feet (25') of the highway right-of-way or within forty feet (40') of the paved edge or shoulder of the highway whichever is greater. (1978 Code, § 11-709)

**14-710. Approval of planning commission.** Within this district, prior to the issuance of a building permit for the construction of any building or structure, the plans for such construction shall be submitted to the planning commission for approval or disapproval. Such plans shall show proposed site development and a workable plan relative to openings and loading space. (1978 Code, § 11-710)

**14-711. Limitations on advertising uses.** All signs not related to the identification of the premises and occupants and/or to products sold or services rendered on the premises are prohibited. (1978 Code, § 11-711)

## CHAPTER 8

### C-2 COMMERCIAL DISTRICTS (CENTRAL SHOPPING AREAS)

#### SECTION

- 14-801. Intent.
- 14-802. Uses permitted.
- 14-803. Uses prohibited.
- 14-804. Lot area.
- 14-805. Yards.
- 14-806. Building area.
- 14-807. Height of buildings.
- 14-808. Limitations on signs and advertising uses.
- 14-809. Apron parking prohibited.

**14-801. Intent.** It is the intention of this chapter to encourage appropriate retail and service areas in this district capable of offering convenient, pleasant and safe facilities to the general public of Westmoreland and surrounding areas.

Within the C-2 Commercial District(s), as shown on the Westmoreland Zoning Map, the regulations in this chapter shall apply. (1978 Code, § 11-801)

**14-802. Uses permitted.** The following uses are permitted:

- (1) Retail and service uses such as convenience goods, general merchandise, and apparel stores; business and personal service establishments, hardware stores, commercial entertainment and recreation uses; public and semi-public uses; and similar uses;
- (2) Printing and publishing establishments;
- (3) Accessory uses or structures customarily incidental to the above permitted uses;
- (4) Other uses which in the opinion of the planning commission are compatible with the intent and purposes of chapters 2 through 17 of this title. (1978 Code, § 11-802)

**14-803. Uses prohibited.** The following uses are prohibited:

- (1) Industrial uses; junk yards; warehouses;
- (2) Gasoline, oil, alcohol, or other inflammable materials stored above ground in excess of five hundred (500) gallons;
- (3) Any use not specifically permitted or permitted on appeal. (1978 Code, § 11-803)

**14-804. Lot area.** The minimum lot area shall be ten thousand (10,000) square feet. (1978 Code, § 11-804)

**14-805. Yards.** (1) Lots shall be considered fronting on either arterial or collector streets. All principal and accessory structures shall be set back from the right-of-way lines of streets the maximum distance shown below:

- Arterial streets. . . . . 50 ft.
- Collector streets. . . . . 25 ft.

(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification;

(3) The minimum yards adjoining a residential district shall conform to the respective yard requirements for the residential district, and be landscaped as in § 14-910. (1978 Code, § 11-805)

**14-806. Building area.** Maximum building area shall be fifty percent (50%) of the total lot area. (1978 Code, § 11-806)

**14-807. Height of buildings.** Buildings shall not exceed three (3) stories nor thirty-five feet (35') in height. (1978 Code, § 11-807)

**14-808. Limitations on signs and advertising uses.** All signs not relating to the identification of the premises and occupations and/or products sold or services rendered on the premises are prohibited. (1978 Code, § 11-808)

**14-809. Apron parking prohibited.** No parking arrangement shall be designed or developed which permits or encourages apron parking or unrestricted access to a street bordering a commercial use. All parking areas shall be channeled and marked so as to encourage safe vehicular movement. (1978 Code, § 11-809)

## CHAPTER 9

### C-3 DISTRICTS (INTERCHANGE AND HIGHWAY COMMERCIAL)

#### SECTION

- 14-901. Intent.
- 14-902. Uses and structures permitted.
- 14-903. Prohibited uses and structures.
- 14-904. Required lot area, lot widths, and yards.
- 14-905. Required setback.
- 14-906. Height of buildings.
- 14-907. Off-street parking.
- 14-908. Off-street loading and unloading space.
- 14-909. Access control.
- 14-910. Landscaping and screening.
- 14-911. Approval of planning commission.
- 14-912. Limitations on advertising uses.

**14-901. Intent.** It is the intention of this chapter to provide for necessary and desirable commercial uses in areas appropriate for serving the motoring public and to establish minimum standards for safety and aesthetics.

Within the C-3 Commercial District, as shown on the Westmoreland Zoning Map, the regulations of this chapter shall apply. (1978 Code, § 11-901)

**14-902. Uses and structures permitted.** The following uses and structures are permitted:

- (1) Gasoline and service stations, and travel trailer parks, drug stores, curio shops, motels or motor hotels, grocery stores, restaurants, drive-in restaurants, and eating places, and any similar use which, in the opinion of the board of zoning appeals, is in keeping with the character of the district.
- (2) Any accessory use or building customarily incidental to the above mentioned permitted uses. (1978 Code, § 11-902)

**14-903. Prohibited uses and structures.** Any use or structure not specifically permitted or permitted on appeal is prohibited. (1978 Code, § 11-903)

**14-904. Required lot area, lot widths, and yards.** (1) The minimum lot area shall be fifteen thousand (15,000) square feet.

- (2) The minimum lot width at the building line shall be one hundred fifty feet (150').
- (3) The minimum depth of front yards measured from the right-of-way line shall be fifty feet (50').
- (4) The minimum rear yard shall be twenty feet (20').

(5) The minimum width of each side yard shall be twenty feet (20').

(6) The minimum width of each side yard shall be twenty feet (20'); provided, however, that any side yard that abuts a street or public way shall be forty feet (40').

(7) The maximum building area shall be forty percent (40%) of the total lot area. (1978 Code, § 11-904)

**14-905. Required setback.** Every building or structure or its accessory building shall be set back from the right-of-way line at least forty feet (40'). (1978 Code, § 11-905)

**14-906. Height of buildings.** No building shall exceed three (3) stories or forty feet (40'). (1978 Code, § 11-906)

**14-907. Off-street parking.** Off-street automobile storage or parking space shall be provided on each lot on which any of the permitted uses are established; such space shall be provided with vehicular access to a street or alley and shall be equal at least to the minimum requirements for specific uses as set forth below. One (1) passenger vehicle space shall be two hundred (200) square feet in area.

(1) Tourist accommodation. Not less than one (1) space for each room offered for tourist accommodation.

(2) Gasoline service station. Five (5) spaces for each grease rack or similar facility, plus two (2) spaces for each gas pump.

(3) Other business building or use. Not less than one (1) square foot of lot covered by buildings or structures. (1978 Code, § 11-907)

**14-908. Off-street loading and unloading space.** Behind every building or structure used for business or trade there shall be a rear yard not less than twenty feet (20') in depth to provide for the loading and unloading of vehicles. (1978 Code, § 11-908)

**14-909. Access control.** (1) Access barrier. Access to the highway shall be controlled in the interest of public safety. Each building or group of buildings used for commercial purposes, and its parking or service areas, shall be physically separated from the highway or street by a curb, planting strip or other suitable barrier against unchanneled motor vehicle ingress and egress, except for access ways as authorized in subsection (2) below.

(2) Accessways. Each separate use, grouping of attached buildings or grouping of uses permitted as part of a single integrated plan, shall have not more than two (2) accessways to any highway or street. Insofar as practicable, the use of common accessways by two (2) or more permitted uses shall be provided in order to reduce the number and closeness of access points along the



highway, and to encourage the fronting of commercial structures upon a marginal street and not directly upon a public highway.

(3) Access regulations. The following regulations concerning accessways shall apply:

(a) A point of access shall be no closer than fifty feet (50') to any point of controlled access, provided however, that in a case of hardship caused by the narrowness or shape of any particular lot, the board of zoning appeals may issue a variance when such hardship is proved, nor within thirty feet (30') of the curb line of any public street intersection.

(b) A point of access shall not exceed thirty-five feet (35') in width.

(c) The distance between any two (2) points of access shall be no less than twenty-five feet (25'). (1978 Code, § 11-909)

**14-910. Landscaping and screening.** (1) Each site shall be developed with at least ten percent (10%) of its area landscaped with green treatment.

(2) For a lot whose property line abuts a residential district, an appropriate screening device or divider shall be maintained on such property line.

(3) Signs painted on or attached to fence posts, trees, rocks, canopy posts, utility poles, or light poles.

(4) No signs may be placed within twenty-five feet (25') of the highway right-of-way or within forty feet (40') of the paved edge or shoulder of the highway whichever is greater. (1978 Code, § 11-910)

**14-911. Approval of planning commission.** Within this district, prior to the issuance of a building permit for the construction of any building or structure, the plans for such construction shall be submitted to the planning commission for approval or disapproval. Such plans shall show proposed site development and a workable plan relative to openings for ingress and egress, maneuvering, parking and loading space. (1978 Code, § 11-911)

**14-912. Limitations on advertising uses.** All signs not related to the identification of the premises and occupants and/or to products sold or services rendered on the premises are prohibited. (1978 Code, § 11-912)

**CHAPTER 10**

**INDUSTRIAL DISTRICTS**

**SECTION**

- 14-1001. Intent.
- 14-1002. Uses permitted.
- 14-1003. Uses prohibited.
- 14-1004. Yards.
- 14-1005. Limitations on signs and advertising uses.

**14-1001. Intent.** It is the intention of this chapter to provide for industrial uses which are compatible with nearby properties in agricultural, residential, or commercial use. Secondly, it is the intent to protect industrial land from encroachment by other land uses.

Within Industrial Districts, as shown on the Westmoreland Zoning Map, the regulations of this chapter shall apply. (1978 Code, § 11-1001)

**14-1002. Uses permitted.** The following uses are permitted:

- (1) Industrial uses such as the manufacture of textiles and apparel; fabrication and assembly of machinery and other products of metal, wood, or other materials; and similar uses; provided they are a type considered neither unsafe nor objectionable by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter, or water-carried waste;
- (2) Wholesaling and storage uses, trucks terminals, and public uses necessary to serve the area;
- (3) Accessory uses or structures customarily incidental to the above permitted uses. (1978 Code, § 11-1002)

**14-1003. Uses prohibited.** Scrap processing and junk yards, automobile graveyards, tanneries, plants manufacturing or combining chemicals, plants manufacturing paper or creating or using radioactive materials and any other uses not permitted or permitted by implication are prohibited. Residential uses except as are necessary for security personnel are also prohibited. (1978 Code, § 11-1003)

**14-1004. Yards.** (1) Lots shall be considered fronting on either arterial or collector streets. All principal and accessory structures shall be set back from the right-of-way lines of streets the maximum distance shown below, according to their classification as indicated on the latest official municipal-regional thoroughfare plan:

- Arterial streets. . . . . 50 ft.
- Collector streets. . . . . 25 ft.

(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining street with the highest classification.

(3) The minimum side yards and rear yards shall be twenty feet (20') and twenty-five feet (25'), respectively.

(4) The minimum yards adjoining nonindustrial districts shall be thirty-five feet (35').

(5) No yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way. (1978 Code, § 11-1004)

**14-1005. Limitations on signs and advertising uses.** All signs not relating to the identification of the premises and occupants and/or to products sold or services rendered on the premises are prohibited. (1978 Code, § 11-1005)

CHAPTER 11

AGRICULTURAL DISTRICTS

SECTION

- 14-1101. Intent.
- 14-1102. Uses permitted.
- 14-1103. Front yards.

**14-1101. Intent.** It is the intention of this chapter to protect lands suited to agricultural uses, and to provide for an adequate standard of non-agricultural development along thoroughfares outside urban areas.

Within Agricultural Districts, as shown on the Westmoreland Zoning Map, the regulations of this chapter shall apply. (1978 Code, § 11-1101)

**14-1102. Uses permitted.** The following uses are permitted:

- (1) Agricultural uses and structures;
- (2) Uses or structures specifically permitted, or permitted on appeal in Residential Districts;
- (3) Accessory uses or structures customarily incidental to above permitted uses. (1978 Code, § 11-1102)

**14-1103. Front yards.** All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official municipal thoroughfare plan:

Arterial streets. . . . .	50 ft.
Collector streets. . . . .	25 ft.
Minor streets. . . . .	25 ft.

(1978 Code, § 11-1103)

## CHAPTER 12

### FLOOD WAY DISTRICTS

#### SECTION

14-1201. Regulations of chapter to apply.

14-1202. Uses permitted.

14-1203. Uses prohibited.

**14-1201. Regulations of chapter to apply.** Within Flood Way Districts, as shown on the Westmoreland Zoning Map, the regulations of this chapter apply. (1978 Code, § 11-1201)

**14-1202. Uses permitted.** The following uses are permitted:

(1) Open uses (not involving permanent structures as the principal use of the land) such as agriculture, recreational, and storage of agricultural products;

(2) Transient uses, such as circuses and carnivals outside the floodplain;

(3) Accessory uses or structures customarily incidental to the above uses or incidental to uses permitted in adjoining districts;

(4) The above permitted uses and accessory structures shall be subject to the applicant's acceptance of the following conditions:

(a) Materials, equipment, and structures shall be firmly stationed or non-floatable, and shall not be subject to damage by floodwater.

(b) There shall be no filling of land, and appurtenances and structures shall not restrict the passage of floodwater.

(c) The City of Westmoreland and its officers or employees shall not be liable for any damage or loss caused by allowing the above permitted uses and structures. (1978 Code, § 11-1202)

**14-1203. Uses prohibited.** Residential uses, commercial uses, junk yards, sanitary landfills, automobile graveyards and absorption field tile shall be prohibited. (1978 Code, § 11-1203)

## CHAPTER 13

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

14-1301. Lot of record.

14-1302. Front yards.

14-1303. Adjoining substandard lots of record.

14-1304. Exception of height limits.

14-1305. Agricultural use of land.

**14-1301. Lot of record.** Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of the provisions of chapters 2 through 17 of this title does not own sufficient land to enable him to conform to the yard or other requirements of these chapters, an application may be submitted to the Westmoreland Board of Zoning Appeals for a variance from the terms of chapters 2 through 17 of this title. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the regional board of zoning appeals is possible.

No lot shall be so reduced in area that the yards and open spaces will be smaller than prescribed by chapters 2 through 17 of this title; and no yard, court, or open space provided around any building for the purpose of complying with these provisions shall again be considered as a yard, court or other open space for another building. (1978 Code, § 11-1301)

**14-1302. Front yards.** The front yard requirements of chapters 2 through 17 of this title for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred feet (200') of each side of such lot and within the same block and zoning district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case the minimum front yard shall be the average of the existing front yard depths on the developed lots. (1978 Code, § 11-1302)

**14-1303. Adjoining substandard lots of record.** Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a large tract under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located. (1978 Code, § 11-1303)

**14-1304. Exception of height limits.** The height limitations of chapters 2 through 17 of this title shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water

towers, observation towers, transmission towers, chimneys, silos, smokestacks, derricks, conveyors, flag poles, radio towers, masts, aerials, and the like. (1978 Code, § 11-1304)

**14-1305. Agricultural use of land.** Chapters 2 through 17 of this title shall not be construed as authorizing the requirement of building permit nor providing for any regulation of the erection, destruction, or the construction of any buildings or other structure on lands now devoted to agricultural purposes, except on agricultural areas adjacent or in proximity to state federal aid highways, public airports, or public parks; provided, however, such building or structure is incidental to the agricultural enterprise. Nor shall chapters 2 through 17 of this title be construed as limiting or affecting in any way or controlling the agricultural uses of land, except on these areas within and flood plan and/or the natural strip areas along streams. (1978 Code, § 11-1305)

## CHAPTER 14

### ENFORCEMENT

#### SECTION

- 14-1401. Enforcing officer.
- 14-1402. Building permit required.
- 14-1403. Issuance of a building permit.
- 14-1404. Issuance of certificate of occupancy.
- 14-1405. Records.

**14-1401. Enforcing officer.** The provisions of chapters 2 through 17 of this title shall be administered and enforced by a city building inspector appointed by the city council and he shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of chapters 2 through 17 of this title. (1978 Code, § 11-1401)

**14-1402. Building permit required.** It shall be unlawful to commence excavation for the construction of any building including accessory buildings or to commence the moving or alteration of any building including accessory buildings, or permanent signs, until the building inspector has issued a building permit for such work. When a permanent sign is to be erected and is not a part of the initial construction on sight, a separate building permit is required. (1978 Code, § 11-1402)

**14-1403. Issuance of a building permit.** In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, and location of all buildings and/or signs to be erected, altered, or moved and of any buildings already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of chapter 2 through 17 of this title are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of chapters 2 through 17 of this title, the building inspector shall, after at least three (3) days, issue a building permit for such excavation and/or construction. If a building permit is refused, the building inspector shall state such refusal in writing with the cause.

The issuance of a building permit shall in no case be construed as waiving any provision of chapters 2 through 17 of this title.

A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein. (1978 Code, § 11-1403)



**14-1404. Issuance of certificate of occupancy.** No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of chapters 2 through 17 of this title.

Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of chapters 2 through 17 of this title; or, if such certificate is refused, the building inspector shall state refusal in writing with the cause. (1978 Code, § 11-1404)

**14-1405. Records.** A complete record of such applications, sketches, and plans shall be maintained in the office of the building inspector. (1978 Code, § 11-1405)

## CHAPTER 15

### BOARD OF ZONING APPEALS

#### SECTION

14-1501. Creation and appointment.

14-1502. Procedure.

14-1503. Appeals; how taken.

14-1504. Powers and duties.

14-1505. Remedies.

**14-1501. Creation and appointment.** A Westmoreland Board of Zoning Appeals (hereafter referred to as the board) is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205 through 13-7-207. The board of zoning appeals shall consist of the members of the Westmoreland Municipal Planning Commission. (1978 Code, § 11-1501)

**14-1502. Procedure.** Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. A quorum shall consist of five (5) board members.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the record shall so indicate. The minutes shall be immediately filed in the city hall and shall be a public record. (1978 Code, § 11-1502)

**14-1503. Appeals; how taken.** An appeal to the board may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, other board, or bureau effected by any decision of the building inspector based in whole or in part upon the provisions of the resolution. Such appeal shall be taken by filing with the board a notice of appeal, specifying the grounds thereof.

The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal and give proper notice of a public hearing before the board at least five (5) days prior to the date set for the public hearing. At the hearing, any person or party may appear and be heard in person, by agent, or by attorney. (1978 Code, § 11-1503)

**14-1504. Powers and duties.** The board shall have the following powers and duties:

(1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building inspector or any other

administrative official in the carrying out or enforcement of any provision of chapters 2 through 17 of this title; and to interpret the municipal zoning map and chapters 2 through 17 of this title.

(2) Special exceptions. To hear and decide, in accordance with the provisions of chapters 2 through 17 of this title, requests for special exceptions or for decisions upon other special questions upon which the board is authorized by this title to pass (i.e., uses permitted on appeal).

(3) Variances. To hear and decide upon applications for variances from the terms of chapters 2 through 17 of this title, but only where by reason of exceptional narrowness, shallowness, or shape of specific piece of property which at the time of adoption of the provisions of chapters 2 through 17 of this title was a lot of record, or where by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the provisions of chapters 2 through 17 of this title would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property; provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of chapters 2 through 17 of this title.

(a) In granting variances the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or uses as it may deem advisable in the furtherance of the purposes of chapters 2 through 17 of this title.

(b) Before any variance is granted, it shall be shown that special circumstances attached to the property do not generally apply to other properties in the neighborhood. (1978 Code, § 11-1504)

**14-1505. Remedies.** In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of chapters 2 through 17 of this title, the mayor or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land. (1978 Code, § 11-1505)

## CHAPTER 16

### AMENDMENTS

#### SECTION

- 14-1601. Introduction of amendments.
- 14-1602. Review by the planning commission.
- 14-1603. Notice of public hearing.
- 14-1604. Fee.

**14-1601. Introduction of amendments.** The Westmoreland City Council may amend the regulations, restrictions, boundaries, or any provision of chapters 2 through 17 of this title. Any member of the city council may introduce such amendment, or any official, board, or any other person may present a petition to the city council requesting an amendment or amendments to chapters 2 through 17 of this title. (1978 Code, § 11-1601)

**14-1602. Review by the planning commission.** No amendment shall become effective unless it is first submitted for approval, disapproval, or suggestions to the planning commission. If the planning commission within sixty (60) days of such submission disapproves the amendment, it shall require the favorable vote of a majority of the entire membership of the city council to become effective. Failure of the planning commission to either approve or disapprove the amendment within sixty (60) days of its submission shall be deemed approval. (1978 Code, § 11-1602)

**14-1603. Notice of public hearing.** Before enacting any amendment to chapters 2 through 17 of this title, the city council shall publish a notice of such request for an amendment together with the notice of time set for a public hearing by the city council on the requested change. Said notice shall be published one (1) time in a newspaper of general circulation in Westmoreland, Tennessee. Said hearing by the city council shall take place not sooner than thirty (30) days after the publication of such notice.

At the time and place signified in the above notice, the city council shall meet; and all persons affected by such amendment or change may appear in person, by agent, or by attorney to petition against the making of such amendment. (1978 Code, § 11-1603)

**14-1604. Fee.** A fee of twenty-five dollars (\$25.00) due and payable at the time of filing of petition shall be posted with request to amend the city zoning ordinance; said fee to be used by the City of Westmoreland to defray costs resulting from such petition and any subsequent amendment of chapters 2 through 17 of this title. (1978 Code, § 11-1604)

## CHAPTER 17

### FLOODPLAIN DISTRICTS--FLOODPLAIN MANAGEMENT REGULATIONS

#### SECTION

- 14-1701. Statutory authorization, findings of fact, purpose and objectives.
- 14-1702. Definitions.
- 14-1703. General provisions.
- 14-1704. Administration.
- 14-1705. Provisions for flood hazard reduction.
- 14-1706. Variance procedures

**14-1701. 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 through 13-7-210 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(2) Findings of fact. (a) The Westmoreland City Council wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR ch. 1 (10-04-04 edition).

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

(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 floodwaters;

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

(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 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 floodable areas;

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

(g) To ensure that potential homebuyers are notified that property is in a floodable area and

(h) To maintain eligibility for participation in the National Flood Insurance Program. (Ord. #374, June 2006)

**14-1702. 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" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

(a) Accessory structures shall not be used for human habitation.

(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 which may result in damage to other structures.

(e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(2) "Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 USC 4001-4128.

(3) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "new construction."

(4) "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.

(5) "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.)

(6) "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.

(7) "Area of special flood hazard" 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.

(8) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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

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

(11) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (see "structure").

(12) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other

structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

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

(14) "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.

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

(16) "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.

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

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

(19) "Existing structures" see "existing construction."

(20) "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).

(21) "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.

(22) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood



level that has a one percent (1%) or greater chance of occurrence in any given year.

(23) "Flood elevation study" 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.

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

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

(26) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

(28) "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.

(29) "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.

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

(31) "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.

(32) "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.

(33) "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.

(34) "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.

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

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

(37) "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.

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

(39) "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 preliminary 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 a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior.

(40) "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.

(41) "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.

(42) "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.

(43) "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," unless such transportable structures are placed on a site for one hundred eighty (180) consecutive days or longer.

(44) "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.

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

(46) "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 National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

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

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

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

(51) "100-year flood" see "base flood."

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

(53) "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; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

(56) "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.

(57) "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.

(58) "State coordinating agency." The Tennessee Department of Economic and Community Development's Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the administrator to assist in the implementation of the national flood insurance program for the state.

(59) "Structure" for purposes of this section means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(60) "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.

(61) "Substantial improvement" means any repairs, reconstructions, rehabilitations, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be:

- (a) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (b) In the case of damage, the value of the structure prior to the damage occurring.

This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

- (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."

(62) "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.

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

(64) "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.

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #374, June 2006)

**14-1703. General provisions.** (1) Application. This chapter shall apply to all areas within the incorporated area of Westmoreland, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Westmoreland, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 0200 and 0225, dated, September 20, 2006, 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 City of Westmoreland, 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. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Westmoreland, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #374, June 2006)

**14-1704. Administration.** (1) Designation of chapter administrator. The building inspector 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 building inspector 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 (BFEs) are available, or to 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 flood-proofed where BFEs are available, or to the highest adjacent grade when applicable under this chapter.

(iii) Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in § 14-1704(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 unnumbered A zones, where flood elevation data are not available, the building inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

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

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector 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 building inspector. Duties of the building inspector shall include, but not be limited to:

(a) Review of 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) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal



Emergency Management Agency to ensure accuracy of community flood maps through the letter of map revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(e) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with § 14-1704(2).

(f) Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-1704(2).

(g) When floodproofing is utilized for a structure, the building inspector shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with § 14-1704(2).

(h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

(i) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FIRM meet the requirements of this chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building inspector shall 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 (lowest floor and highest adjacent grade being defined in § 14-1702 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1704(2).

(j) All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector 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. (Ord. #374, June 2006)

**14-1705. Provisions for flood hazard reduction.** (1) General standards. In all flood prone areas the following provisions are required:

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

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements to existing buildings 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; and

(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.

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

(a) Residential construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one 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 and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of § 14-1705(2).

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

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the building inspector shall 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 (lowest floor and highest adjacent grade being defined in § 14-1702 of this chapter). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1704(2).

Buildings located in all A Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the building inspector as set forth in § 14-1704(2).

(c) Elevated building. All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

(A) Provide a minimum of two (2) 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 finish grade; and

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

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-1705(2) of this chapter.

(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, must meet all the requirements of new construction, including elevations and anchoring.

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

(A) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one foot (1') above the level of the base flood elevation; or

(B) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three feet (3') in height above the highest adjacent grade.

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of § 14-1705(2)(d) of this chapter.

(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 on identified flood hazard sites 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.

(C) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred eighty (180) consecutive days.

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

(i) All subdivision proposals shall be consistent with the need to minimize flood damage.

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

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

(3) Standards for areas of special flood hazard with established base flood elevations and with floodways designated. Located within the areas of special flood hazard established in § 14-1703(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 developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

(b) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of § 14-1705.

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the areas of special flood hazard established in § 14-1703(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 structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-1705(2).

(5) Standards for streams without established base flood elevations or floodways (A Zones). Located within the areas of special flood hazard established in § 14-1703(2), where streams exist, but no base flood data has been provided (A Zones), or where a floodway has not been delineated, the following provisions shall apply:

(a) When base flood elevation data or floodway data have not been provided in accordance with § 14-1703, then the building inspector shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of § 14-1705. Only if data is not available from these sources, then the following provisions (b) and (c) shall apply:

(b) 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 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.

(c) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have

the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet (3') above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 14-1705(2), and "elevated buildings."

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the areas of special flood hazard established in § 14-1703(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 apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of § 14-1705(2), and "elevated buildings."

(b) All new construction and substantial improvements of non-residential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely flood-proofed to at least one foot (1') above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three feet (3') above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this chapter and shall provide such certification to the building inspector as set forth above and as required in § 14-1704(2).

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

(d) The building inspector shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-1703 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been

determined. Within these areas (A-99 Zones) all provisions of § 14-1704 and § 14-1705(1) shall apply.

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

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

(b) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with § 14-1704. (Ord. #374, June 2006)

**14-1706. Variance procedures.** The provisions of this section shall apply exclusively to areas of special flood hazard within Westmoreland, Tennessee.

(1) Board of zoning appeals. (a) The Westmoreland 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 (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

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

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

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

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

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



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

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

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

(ix) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(x) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

(b) Variances shall only be issued upon: 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 level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #374, June 2006)

## CHAPTER 18

### MOBILE HOME STANDARDS

#### SECTION

14-1801. Application of chapter.

14-1802. Utilities.

14-1803. Setup criteria.

14-1804. Violations.

**14-1801. Application of chapter.** This chapter shall apply to mobile homes, manufactured homes, and modular homes. (Ord. #313, Aug. 1997)

**14-1802. Utilities.** Homes must be serviced with city utilities. (Ord. #313, Aug. 1997)

**14-1803. Setup criteria.** (1) Homes must have continuous underpinning so as to retard the passage of air under the structure in order to reduce fire hazard. Enclosure shall be accomplished within sixty (60) days from the date of the mobile home, manufactured home or modular home being pulled or set on the lot.

(2) Homes must meet all lot requirements of the applicable zoning district.

(3) Homes must be placed on a concrete foundation.

(4) Homes must have steps to each doorway and must provide deck area of four feet by four feet (4' x 4') for the front door and three feet by three feet (3' x 3') for all other doors.

(5) All steps and decks must provide handrails and guardrails a minimum of thirty-two inches (32") high.

(6) Step risers must be a maximum of eight inches (8") high and platforms must be at least nine inches (9") wide. (Ord. #313, Aug. 1997, as amended by Ord. #319, Jan. 1998)

**14-1804. Violations.** Violation of any provision of this chapter shall subject the owner/occupant of home to a fifty dollar (\$50.00) fine for each day of non-compliance. (Ord. #313, Aug. 1997)