

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. STORMWATER MANAGEMENT ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

14-101. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor and an alderman selected by the board of mayor and aldermen; the other five (5) members shall be appointed by the mayor. All members of the planning commission shall be compensated in an amount to be determined by the board of mayor and aldermen¹ and provided for in the municipal budget. Attendance of the monthly meeting shall be required in order to receive compensation which shall be paid at the end of each month. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for five (5) years each. The five (5) members first appointed shall be appointed for terms of one (1), two (2), three (3), four (4), and five (5) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the alderman selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1977 Code, § 11-101, as amended by Ord. #321, June 2001)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in

¹Ord. #322, June 2001 provides that the board of mayor and aldermen may amend this section by ordinance from time to time as they deem necessary.

accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1977 Code, § 11-102)

14-103. Meetings. The governing body of the Town of Woodbury does herein find that unnecessary costs incurred by the municipality to call and publicize special meetings by the planning commission and/or the board of zoning appeals is not in the best interest of the municipality and as such a three-hundred dollar (\$300.00) fee will be imposed on the petitioner requesting a special meeting to cover associated costs of any such special meeting. (as added by Ord. #340, Aug. 2002)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Woodbury shall be governed by Ordinance #234, titled "Zoning Ordinance, Woodbury, Tennessee," and any amendments thereto.¹

¹Ordinance #234, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

Amendments to the zoning map are of record in the office of the recorder.

CHAPTER 3**FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of Woodbury shall be governed by Ordinance #250, titled "Woodbury Floodplain Zoning Ordinance" and any amendments thereto.¹

¹Ordinance #250, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

CHAPTER 4

STORMWATER MANAGEMENT ORDINANCE

SECTION

- 14-401. Statement of purpose.
- 14-402. Definitions.
- 14-403. Property owners to maintain system on private lands.
- 14-404. City to maintain system on public lands.
- 14-405. Unlawful to alter or obstruct the natural storm water drainage system without permit.
- 14-406. Construction of parking lots.
- 14-407. Notification of violation.
- 14-408. Failure to comply with an order to correct a violation.
- 14-409. Penalties for failure to comply.
- 14-410. Payment of costs.
- 14-411. Public works projects.

14-401. Statement of purpose. The purpose of this ordinance is to diminish threats to the public health and safety caused by the runoff of excess stormwater, to reduce the possibilities of hydraulic overloading of the storm sewer system, to reduce economic losses to individuals and the community at large as a result of the runoff of excess stormwaters, and to protect and conserve land and water resources while at the same time ensuring orderly development. (as added by Ord. #301, July 1999)

14-402. Definitions. (1) "City engineer." The person designated as the Town of Woodbury City Engineer.

(2) "Conduit." Any channel, pipe, sewer or culvert used for the conveyance of water, whether open or closed.

(3) "Detention facility." A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulate behind the outlet.

(4) "Discharge." The rate of outflow of water from any source.

(5) "Drainage area." The area from which water is carried off by drainage systems, i.e. a watershed.

(6) "Excess stormwater runoff." The volume and rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which represents the runoff from the property prior to the date of the ordinance.

(7) "Floodplain." The special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the base flood elevation and is subject to periodic inundation.

(8) "Hydrograph." A graph showing, for a given point on the stream or conduit, the runoff flow rate with respect to time.

(9) "One hundred year storm." A precipitation event of 24 hours' duration, having a 1% chance of occurring in any one year.

(10) "Peak flow." The maximum rate of flow of stormwater at a given point in a channel or conduit resulting from predetermined storm or flood.

(11) "Stormwater drainage system." All means, natural or man-made, used for conducting stormwater to, through, or from a drainage area to the point of final outlet including, but not limited to any of the following: open and closed conduits, canals, channels, ditches, streams, swales, culverts, streets and pumping stations.

(12) "Stormwater runoff." The waters derived from precipitation within a tributary drainage area, flowing over the surface of the ground or collected in channels or conduits.

(13) "Watercourse." Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, bully, ravine, street, roadway, swale or wash in which water flows in the definite direction, either continuously or intermittently and which has a definite channel, bed or banks. (as added by Ord. #301, July 1999)

14-403. Property owners to maintain system on private lands. It shall be the responsibility of the owner of each parcel of land within the Town of Woodbury to maintain and repair all portions of the natural stormwater drainage system that crosses said property. In addition, it shall be the responsibility of each property owner to prevent any and all material or other debris on his property from being carried beyond the boundaries of said property by the flow of water through the natural stormwater system. (as added by Ord. #301, July 1999)

14-404. Town to maintain system on public lands. It shall be the responsibility of the Town of Woodbury to maintain the repair all portions of the natural storm water drainage system located within the public rights-of-way or upon drainage easements acquired by the town as a part public works project approved by the town's governing body. (as added by Ord. #301, July 1999)

14-405. Unlawful to alter or obstruct the natural storm water drainage system without a permit. It shall be unlawful for any property owner to cause or allow any alteration of any portion of the natural storm drainage system in any manner which could hinder or impede the flow of water into or through said system without first obtaining a drainage alteration approval from the city planning and zoning board and a permit from the city recorder.

Application for said permit shall be in a form prescribed by the said office and approved by the city engineer. In general it will describe the proposed

alterations and include such drainage calculations as shall be necessary to document to the city engineer that the carrying capacity of the natural stormwater drainage system will not be diminished by said modifications to the capacity less than required to convey a 100 year rainfall event, assuming one-hundred percent (100%) development of the drainage basin. If the city engineer is not used to develop the said drainage alteration plan, the property owner must seek the city engineer's approval before acceptance of said plan by the City of Woodbury. Any application shall be accompanied by a filing fee of \$100.00. (as added by Ord. #301, July 1999)

14-406. Construction of parking lots. No parking lot surfaced with asphalt (hot mix), concrete, double bituminous surface treatment (tar and chip), or crusher run type stones which consists of 10,000 or more square feet of surface or causes the total of impermeable surface (roof and parking area) on a given parcel of land to equal 10,000 or more square feet, shall be constructed from which storm water run-off is discharged into the natural storm water drainage system at a rate greater than the rate at which water is being discharged from the site prior to the proposed construction taking place except as approved by the city engineer. No construction of such a parking lot shall take place until a drainage alteration permit approved by the board of planning and zoning and is issued by the office of the city recorder as provided herein. Application for said permit shall be accompanied by a set of plans and specifications to be presented to and approved by the city engineer. Said plans shall show all proposed drainage structures within the parking lot and points of discharge of storm water from the site. Said plans shall be accompanied by a set of calculations which illustrate the flow of storm water from each existing and proposed discharge point as expressed as cubic feet per second (cfs) and gallons per minute (gpm). Said calculations shall show the discharge of water from these points under existing and proposed conditions. (as added by Ord. #301, July 1999)

14-407. Notification of violation. Whenever any obstruction, alteration, hindrance or impediment to the natural storm water drainage systems, as defined by the chapter exists on lands with the corporate limits of the Town of Woodbury, the board of mayor and aldermen shall notify the owner of record of said lands and direct them to abate or remove the same. Said notifications shall:

- (1) Be in writing;
- (2) Specify the nature of the obstruction, alteration, hindrance, or impediment and give its locations;
- (3) Specify the corrective measures required; and
- (4) Require compliance with 30 days from the date of notification.

The notification shall be served upon the owner or owners of the premises where the violation is located by serving them personally or by sending said

notice by certified mail, return receipt requested to their address as shown on the current tax rolls of the Town of Woodbury. (as added by Ord. #301, July 1999)

14-408. Failure to comply with an order to correct a violation. If the owner or owners of the premises fail or refuse to comply with the order issued by the board of mayor and aldermen within the time period specified by the letter of notification, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this chapter and said owner or owners shall be subject to the penalties herein provided. (as added by Ord. #301, July 1999)

14-409. Penalties for failure to comply. If the owner or owners of the premises fail or refuse to comply with the order issued by the board of mayor and aldermen within the time period specified by the letter of notification, the director of public works or his representatives may enter onto such premises and take the corrective action specified in the letter of notification so that the obstruction, alteration, hindrance, or impediment to the natural storm water drainage system identified by the said letter is removed or abated. (as added by Ord. #301, July 1999)

14-410. Payment of costs. Upon the completion of the corrective action carried out by the public works director or other individual as authorized herein, the actual costs of such action plus a fee of 20% for administrative costs, shall be paid by the owner or owners of said property to the Town of Woodbury and said costs shall be billed to the owner or owners of said property. If said bill is not paid in full within 60 days after its date of mailing, a 2% penalty shall be added and said costs and penalties shall be placed on the tax rolls of the Town of Woodbury as a lien upon said property and collected in the same manner as the other city taxes are collected. (as added by Ord. #301, July 1999)

14-411. Public works projects. Nothing in this chapter shall prevent the Town of Woodbury from undertaking a public works project to improve the natural storm water drainage system when it is determined by the Woodbury governing body that such a project will prevent a threat or menace to life, property, public health and public welfare of the town in order to prevent the serious consequences of flooding. (as added by Ord. #301, July 1999)