TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. SUBDIVISION REGULATIONS.
4. FLOOD DAMAGE PREVENTION ORDINANCE.

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

14-102. Powers and duties of the planning commission.
14-103. Ordinances, rules, regulations, etc. adopted by reference.

14-101. Established. Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101, et seq., there is hereby created and established a municipal planning commission hereinafter referred to as "The City of Red Bank Planning Commission" or as "planning commission."

(1) The Red Bank Planning Commission shall consist of five (5) members.

(2) The mayor shall not be required to be a member of the Red Bank Municipal Planning Commission and neither shall there be a requirement that any other commissioners shall be a member of the Red Bank Municipal Planning Commission.

(3) Each of the five (5) commissioners shall appoint one (1) member of the Red Bank Municipal Planning Commission and any one (1) or more of the commissioners shall be entitled, but shall not be required, to appoint himself or herself as a member of the Red Bank Municipal Planning Commission.

(4) The terms of the members of the Red Bank Municipal Planning Commission shall be for a term of four (4) years and the terms shall be staggered as follows:

Appointed By:

Commissioner, District 1 4 years
but with the first appointed term
thereof to be shortened until ninety
(90) days next following the regular
city election set for November, 2014

Commissioner, District II 4 years
Commissioner, District III 4 years  
(Elected: November 2012 to fill the unexpired term from November 2012)  
but with the first appointed term thereof to be shortened until ninety (90) days next following the regular city election set for November, 2014

Commissioner, At Large 4 years  
(Elected: November, 2012)

Commissioner, At Large 4 years  
(Elected: November, 2010)  
but with the first appointed term thereof to be shortened until ninety (90) days next following the regular city election set for November, 2014

and such members of the Red Bank Municipal Planning Commission shall serve until their respective term(s) expire or until their respective replacement(s) shall be appointed and shall assume their position(s), whichever event shall later occur.

(5) To be eligible to serve as a member of the Red Bank Planning Commission a person shall meet all of the following qualifications:

(a) Be a citizen of the City of Red Bank.
(b) Be at least twenty-one (21) years of age.
(c) Be a registered voter in good standing with the Hamilton County Election Commission.
(d) Be an owner or co-owner of real property located within the City of Red Bank.

(6) A member of the Red Bank Municipal Planning Commission, once duly appointed, may be replaced at any time that a majority of the city commission shall determine that such member(s) is/are

(a) Unable to fulfill the duties of the office or
(b) Neglect their duties of office without good cause shown; good cause to be determined by a majority of the commissioners.

The placement for any such member of the Red Bank Municipal Planning Commission so removed shall be by appointment of the entitled-assigned commissioner who originally made the appointment and for the remainder of the unexpired term of the person removed.

(7) No commissioner who shall have appointed himself or herself as a member of the Red Bank Municipal Planning Commission shall continue to serve beyond the expiration of his or her elected term as Commissioner of the City of Red Bank unless the succeeding commissioner entitled to appoint to that position shall make the appointment to the Red Bank Municipal Planning Commission.
(8) Regular appointments to fill terms expiring in conjunction with the appointment schedule above should be, but shall not be required to be, made within ninety (90) days next following the coincident regular election of the city commissioner entitled to make such appointment(s) and as otherwise provided herein.

(9) After passage of Ordinance #12-982 on the second and final reading, and upon the effective date thereof (January 8, 2013), in order to facilitate the implementation of the provisions of that ordinance, the terms of all then serving members of the Red Bank Municipal Planning Commission shall terminate and the terms of the new members of the Red Bank Municipal Planning Commission, as per the appointment schedule hereinabove provided, shall commence. Nothing contained herein shall prohibit any person from serving as members of the Red Bank Municipal Planning Commission prior to the effective date hereof from being reappointed to serve a new term on the Red Bank Municipal Planning Commission as the Red Bank Municipal Planning Commission shall then be reconstituted as a five (5) member board. (1975 Code, § 11-101, as replaced by Ord. #01-839, April 2001, and Ord. #01-838, April 2001, and amended by Ord. #01-848, Sept. 2001, and Ord. #12-982, Jan. 2013)

14-102. Powers and duties of the planning commission. The planning commission shall have such organization, rules, staff, powers, functions, duties and responsibilities as are prescribed in the general law relating to municipal planning commissions in Tennessee Code Annotated, Title 13. (as added by Ord. #01-838, April 2001)

14-103. Ordinances, rules, regulations, etc. adopted by reference. The ordinances, rules, regulations, plans, requirements, codes and standards in effect with respect to the City of Red Bank, enacted, promulgated and/or adopted heretofore by the Chattanooga-Hamilton County Regional Planning Commission are hereby adopted by reference and shall continue to be adhered to, observed and followed and shall be likewise the ordinances, rules, regulations, plans, requirements, codes and standards of the City of Red Bank Planning Commission unless and until changed, rescinded, or modified by the City of Red Bank. (as added by Ord. #01-838, April 2001)
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 City of Red Bank shall be governed by Ordinance #15-1020, titled "Zoning Ordinance, Red Bank, Tennessee," and any amendments thereto.¹

¹Ordinance #15-1020 dated February 17, 2015, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.
CHAPTER 3

SUBDIVISION REGULATIONS

SECTION
14-301. Short title.
14-302. Purpose and interpretation.
14-303. Approving agency.
14-304. Definitions.
14-305. Limits of application.
14-307. General requirements.
14-308. Minimum standards of design.
14-309. Preliminary plat standards.
14-310. Final plat standards and forms.
14-311. Endorsements and accompanying material.
14-312. Developments required before final approval of the plat.
14-313. Appeal.
14-314. Enforcement and penalties.
14-315. Regulations are supplemental.
14-316. Flag lots.

14-301. Short title. This chapter shall be known, and may be cited as "The Subdivision Ordinance of the City of Red Bank." (1975 Code, § 11-1001)

14-302. Purpose and interpretation. The purpose and interpretation of these subdivision regulations is to provide for the proper control of community development. To achieve this, it is important to secure a coordinated layout and to make adequate provisions for light, air, traffic, recreation, water, drainage, sewer and other sanitary facilities.

It is, therefore, to the interest of the public, the developer, and the future residents that subdivisions be designed and developed in accordance with sound practice and proper standards. (1975 Code, § 11-1002)

14-303. Approving agency. In accordance with the provisions of Pub. Acts 1935, chs. 33 and 34, the provisions of this chapter shall be administered by the Chattanooga-Hamilton County Regional Planning Commission. (1975 Code, § 11-1003)

14-304. Definitions. For the purpose of this chapter, words and terms are defined as follows:

(1) "Subdivision." The division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and, when
appropiate to the context, relates to the process of subdividing or to the land or area subdivided. (Pub. Acts 1935, ch. 35, § 6)

(2) "Plat." The map, drawing, or chart on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record; it includes plat, plan plot and re-plot. (Pub. Acts 1935, ch. 45, § 8)

(3) "Planning commission." The Chattanooga-Hamilton County Regional Planning Commission, its board of commissioners, officers or staff.

(4) "City." City of Red Bank, administrative department, or as duly appointed by the city manager's office.

(5) "City commission." The board of commissioners of the City of Red Bank.

(6) "Official map." The map on which the planned locations, particularly the streets, are indicated with detail and exactness so as to function as the basis for property acquisition or building restriction.

(7) "Zoning ordinance." The Red Bank zoning ordinance as set out in chapter 2 in this title.

(8) "Streets." A public or private way, provided for the accommodation of vehicular traffic, or as a means of access to property, and includes streets, avenues, boulevards, roads, lanes, alleys, or other ways.

(9) "Main thoroughfare." A street designated as a major street on the master plan or on the official major city street plan.

(10) "Secondary thoroughfare." Any highway, thoroughfare, or street, other than a main thoroughfare.

(11) "Local service street." A street designated to accommodate local traffic, the major portion of which originates along the street itself.

(12) "Building line." A line on a plat indicating the limit upon which buildings or structures may be erected.

(13) "Lot width." The distance between side lot lines measured at the building line, as set forth in the zoning ordinance, parallel to the street line on which the lot fronts.

(14) "Hamilton County Groundwater Protection and Hamilton County Groundwater Protection Officer." The agency and person(s) designated by the city commission to administer the health regulations of the local government and of the State of Tennessee. (1975 Code, § 11-1004, as amended by Ord. #12-970, March 2012)

4-305. Limits of application. These subdivision regulations will apply within the corporate limits of the City of Red Bank, Tennessee, and to such subdivisions in the area outside the corporate limits over which the city now has or may hereafter have jurisdiction under the laws of the State of Tennessee. (1975 Code, § 11-1005)

4-306. Procedure. (1) General. Application by the owner or his authorized representative for approval of a plat of a subdivision shall be made
in writing to the director of operations, Chattanooga-Hamilton County Regional Planning Commission.

(2) **Preliminary plat.** (a) The written application shall be accompanied by four (4) copies of the preliminary plat for the subdivision of the land. The plan of subdivision shall be such as to meet, at least, the minimum requirements of this chapter and of the minimum standards of design herein. The plat shall comply with the provisions, contain the information, and be accompanied by the material required by the standards adopted under this chapter.

(b) Previous to the submission of a preliminary plat, subdividers are invited to submit to the planning commission preliminary studies or sketches which may be helpful in discussing the preparation of the preliminary plat.

(3) **Tentative approval.** (a) The subdivider shall submit to the planning commission four (4) copies of his preliminary plat. The planning commission will review the preliminary plat in conjunction with the city manager. The planning commission shall, within thirty (30) days, pass on the preliminary plat as submitted or as modified and shall express tentative approval in writing or shall express disapproval in writing with the reasons therefor.

(b) If such action be one of tentative approval, such approval shall not constitute a final acceptance of the plat, but shall be deemed merely an expression of approval of the layout submitted on the preliminary plat. Approval of the final plat for record will be considered only after the requirements outlined herein under § 14-310 shall have been fulfilled.

(4) **Final plat.** The final or record subdivision plat shall be prepared and submitted to the planning commission in six (6) copies in the form of reproduction satisfactory to the planning commission, accurate as to scale and dimension, by the owner of the property or his authorized representative. It shall be submitted within one (1) year after the approval of the preliminary plat otherwise, the approval of the preliminary plat shall become null and void unless an extension of time is applied for and the extension is granted by the planning commission. The final plat shall show the same layout and arrangement as that shown on the preliminary plat which was tentatively approved by the planning commission. The final plat shall comply with the provisions and shall contain the complete data and information required by the standards adopted and described herein, and shall be accompanied by such other data or materials as is described in § 14-307 hereof. Four (4) reproductions of all final or record plats, and of the index sheet, if any, shall be furnished. The final plat shall be approved by the planning commission, such approval to be entered in writing on the plat by the secretary of the commission.

(5) **Endorsements.** The final plat shall, where applicable, show the endorsements, dedications and certificates which have been adopted as standards and which are described herein. (1975 Code, § 11-1006)
14-307. **General requirements.** (1) Relief from requirements. The following shall be considered as minimum requirements, and shall be varied by the planning commission only where practical difficulty or unnecessary hardship would be caused by their enforcement. The planning commission will permit a variation only where it can be done in such a way as to grant relief and at the same time protect the general interest. All such variations, and the reasons therefor, shall be noted in writing in the records of the planning commission.

(2) Conformity to official plan or map. Subdivisions shall be in harmony with the master plans of Hamilton County, and with the official map of the said county and City of Red Bank.

(3) Relation to adjoining street systems. (a) In so far as the master plan or official map does not indicate the size, location, direction and extent of a street, and subject to the regulations hereinafter specified regarding definite minimum widths, the arrangement of streets in a subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets, except that where, in the opinion of the planning commission, topographical or other conditions make such continuance or conformity impracticable, the planning commission may approve a variation from this requirement.

(b) In cases where the planning commission itself prepares and adopts a plan or plat of a neighborhood or area of which the subdivision is a part and this plan or plat provides coordination with the street system of the county or city different from that of said continuations or projections of existing streets required above, the planning commission may approve a subdivider's plat which conforms to such neighborhood plat or plan of the planning commission.

(c) Where the plat submitted covers only a part of the subdivider's tract, a sketch of the proposed future street system of that unsubmitted part, shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.

(4) **Access.** The subdividing of the land shall be such as to provide each lot, by means of either a public street or way or permanent easement, with satisfactory access to an existing public highway, street, or to a thoroughfare as shown on the official map or the master plan.

(5) Conformity to design standards of the commission. Subdivisions shall conform in all details to the standards of design adopted herein for street widths, street grades, street intersections, street names, easements, block lengths and widths, lot arrangements, building restrictions, tree planting, public open spaces, and other design standards on file at the office of the city manager and the planning commission and described herein.

(6) **Monuments.** Monuments shall be placed at all block corners angle points, points of curves in streets, and at such intermediate points as shall be
required by the city or at related points approved by the city. Monuments shall consist of iron rods or pins at least one-half inch in diameter by two feet (2') long, set in concrete at least six inches (6") in diameter by thirty inches (30") deep, or otherwise as approved by the city.

(7) Utilities. Where a plat is made up of lots less than one acre in size, the city shall require the installation of a central water system, and a central sanitary sewer system, or other satisfactory sewage disposal arrangements, and provide adequate storm sewer system or dedicate right-of-way for adequate, surface storm water disposal facilities, according to the standards and specifications prescribed by the city.

Water mains properly connected with the community water supply system or with an alternate supply approved by the Hamilton County Groundwater Protection Officer shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. (1975 Code, § 11-1007, as amended by Ord. #12-970, March 2012)

14-308. Minimum standards of design.

(1) General requirements. The subdivision layouts shall meet the general requirements specified in §§ 14-307, 14-309 and 14-310 hereof. All street and road work shall be approved by the city.

(2) Street widths. (a) The minimum width of the right-of-way for main thoroughfares shall be as specified in the major street plan of the county, or where not so specified, the minimum width shall be whatever may be deemed best or necessary by the planning commission for the future territory in which the plat is located, except that the minimum dedicated widths shall not ordinarily be less than fifty feet (50'). These widths shall be measured from lot line to lot line. In cases where the topography or other conditions make a street of the required minimum width impracticable, or inadvisable, the planning commission may modify the above requirements. A half street along adjoining property may be approved and should there be a half street dedicated and accepted in an adjoining plat along the boundary of this plat, the other half of said street or alley necessary to make complete such street or alley, shall be dedicated.

(b) All roadways shall have a graded width equal to 80 per cent of the width of the right-of-way.

(c) All roadways shall have a minimum paved surface width of 65 per cent of the graded width.

(d) All roadways shall have a minimum compacted surface thickness of six inches (6") and of a satisfactory material.

(e) All roadways shall have a concrete or extruded asphalt curb as specified in the appendix.

(f) All roadways shall have adequate drainage structures with inlet and outlet ditches. The clearance between the inside of all head
walls of drainage structures shall be equal to the width of the street. Drainage areas shall be shown for all drainage structures and drainage ditches.

(3) **Street names.** Extensions of existing streets shall be named the same as streets of which they are extensions. No names of new streets or plats submitted shall be duplicates of present names of streets or plats within that portion of Hamilton County outside of the limits of municipal corporations and the metropolitan area of Chattanooga.

(4) **Grade of streets.** In general, roads shall be planned to confirm to existing topographic conditions. Grades on major roads shall not exceed eight per cent. Grades on other roads may exceed twelve per cent for a distance up to 400' but not over fifteen percent. In extreme topographic conditions, grades above fifteen percent may be allowed by the city commission upon approval of a request for a variance by said commission. All variations and the reasons therefor shall be noted in writing in the official minutes of the city commission.

(5) **Dead end streets.** Streets designed to have one end permanently closed (cul de sacs) shall be provided at the closed end with a turnaround roadway having a minimum radius for the outside curb of at least thirty-five feet (35'), and a minimum radius of forty-five feet (45') to the property lines. The maximum length for any cul de sac shall not be greater than 600 feet.

(6) **Intersection angles.** As far as practicable, acute angles between streets at their intersection are to be avoided. Where a deflection angle of more than ten (10) degrees in a street line occurs at any point between two intersecting streets a curve of reasonably long radius is to be introduced.

(7) **Rounding street corners.** Whenever necessary to permit the obstruction of curbs having a reasonable radius at street corners, without curtailing the sidewalk to less than the normal width, the property line at such street corners shall be rounded or otherwise set back sufficiently to permit such construction. Normally the radius of the curb or edge of roadway at street intersections shall be not less than twenty feet (20') for local service streets and twenty-five feet (25') for secondary or main streets and thoroughfares. Larger radius may be required by the city manager when, in his opinion, such design is advisable.

(8) **Easements.** Except where alleys of not less than twenty feet (20') are dedicated, the planning commission may require easements not exceeding six feet (6') on each side of all rear lot lines, and on side lot lines where necessary or in the opinion of the planning commission advisable, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines. Easements of the same or greater width may be required along the lines of or across lots where necessary for the extension of the existing or planned utilities.

(9) **Block lengths.** In blocks over one thousand feet (1,000') in length the city may require at or near the middle of the block a public crosswalk for foot traffic, having a right-of-way of not less than fifteen feet (15') in width. Blocks
of less than three hundred feet (300') or more than six hundred feet (600') are
discouraged but may be approved where circumstances warrant.

(10) Block widths. The widths of blocks preferably shall be such as to
allow for two tiers of lots, unless exceptional conditions are, in the opinion of the
city manager, such as to render this requirement undesirable.

(11) Lot arrangements. In all quadrangular lots and, so far as practical,
all other lots, the side lines shall be at right angles to straight street lines or
radial to curved street lines. Arrangements placing adjacent lots at right angles
to one another shall be avoided where practicable.

(12) Lot sizes. The minimum dimension for residential lots shall be
seventy-five feet (75') for width measured at the building line, and in no case
shall a residence lot contain less than 10,000 square feet, or contain less square
feet than is required by the Red Bank zoning ordinance. There shall be no
division or subdivision of platted lots that will result in a reduction in size of any
of the platted lots involved in the resubdivision below this area. Corner lots
shall have such extra width as will permit the establishment of a building line
of not less than that required by the height and area regulations of the Red
Bank zoning ordinance. The minimum depth of all residential lots shall be 125
feet.

(13) Building lines and restrictions. Building set back lines of minimum
distance as required by height and area regulation of the Red Bank zoning
ordinance shall be established back of the front lot lines of all lots. Between said
building set back lines and the dedicated street lines no buildings or structure
shall be erected, provided that this restriction shall not
apply to or preclude the erection of a pergola or open summer house.

(14) Tree planting. The planting of street trees is optional with the
subdivider, but if done planting must receive the city's approval before planting
of street trees is begun.

(15) Public open spaces. Where a small park or other neighborhood
recreational open space shown on an official map or in a plan made and adopted
by the city commission is located in whole or in part in the applicant's
subdivision, the planning commission shall require the dedication or reservation
of such open space within the subdivision up to a total of ten per cent (10%) of
the gross area of the plat for park, playground, or other recreational purposes.
(1975 Code, § 11-1008)

14-309. Preliminary plat standards. (1) Scale. The scale of the
preliminary plat is optional but shall not be smaller than one hundred feet (100')
to one inch (1').

(2) Information to be shown. The preliminary report shall show:

(a) The location of then existing lines, streets, buildings, water
courses, railroads, utilities and other similar features.

(b) The names, locations, widths, and other dimensions of
proposed streets, alleys, easements, parks and other open spaces,
reservations, lot lines, building lines and utilities.
(c) The approximate location of existing sewers and water mains, culverts, and drain pipes proposed to be used on the property to be subdivided, and invert elevations of sewers at points of proposed connections, grade and elevation of all drainage ditches and area to be drained.

(d) The title under which the proposed subdivision is to be recorded, with the names and addresses of the owners the technical author of the plan, and a notation stating the acreage.

(e) The names of subdivisions immediately adjacent; also the location and names of adjacent streets and other public spaces on immediately adjoining properties.

(f) Contours at any vertical interval deemed sufficient by the city to explain the layout and design of all or details of the subdivision. Elevations shall be marked on such contours based on a datum plane approved by the city.

(g) Date, north point, and scale.

(h) The preliminary plat shall be accompanied by street profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical crosssection of the proposed grading, roadway and sidewalk; and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on a datum plane approved by the city.

(i) All parcels of land proposed to be dedicated to public use and the conditions of such dedications, if any.

(j) The preliminary plat also shall be accompanied by a plan indicating the use of the lots proposed by the subdivider whether for one-family dwellings, multi-family housing, business or industrial purposes; and documents or copies shall be submitted of the proposed instruments whereby the use, building line, open space and other restrictions are proposed by the subdivider to be imposed. Proposed uses must be in accord with the use provisions of the Red Bank zoning ordinance. (1975 Code, § 11-1009)

14-310. Final plat standards and forms.

(1) Drafting standards. The final plat shall be drawn on sheets of not more than twenty-two inches (22") wide by thirty-three inches (33") long, to a scale of not less than 100 feet to a inch (unless the planning commission permits a lesser scale); provided that when more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision at a scale to fit a single sheet with block and lot numbers indicated.

(2) Data required. The final plat shall comply with and shall contain the data specified in the following:

(a) The boundary lines of all proposed streets or other ways or easements and other open spaces intended to be dedicated for public use
or granted for use of inhabitants of the subdivision; lines of all adjoining streets and boundary lines of all proposed lots.

(b) The boundary of the subdivided tract with bearings and distances marked thereon. Such boundary shall be determined by survey in the field which shall be balanced, closed and referenced to adjoining streets or subdivisions in a manner satisfactory to the city, and certified to be correct by a qualified engineer or surveyor.

The length of all straight lines, radii, and arc distances; central angles on all curves, deflection angles between tangents, along the property lines of each street. All dimensions along the line of each lot, with the bearings or angles of intersection which they make with each other, or both, and any other data necessary for the location of any lot line in the field, the location of all building lines proposed by the subdivider. All lengths shall be the nearest one-hundredth of a foot, United States Standard Measures. If more convenient, bearings may be used instead of angles.

(c) The locations and plane coordinates of all required monuments (see § 14-307) and all adjoining street intersections to the nearest one-hundredth of a foot and referred to a true (reference) meridian and to a point of origin approved by the city, such true meridian and plane coordinates being the basis also for all bearings and lengths shown on the plat. If the city has adopted an official plane coordinate system, the plane coordinates of the monument shall be based upon such official system, by means of traverse surveys connecting the subdivision surveys with the control survey monuments of the official coordinate system. Such connecting traverse ties shall be made from at least two different points, if possible, and preferably on opposite sides of the subdivision. The accuracy of the connecting traverse shall be at least 1:10,000. An abstract of the field notes and computations therefor shall accompany the final plat filed with the city manager, showing complete details of the connecting traverses.

(d) The names of all streets or ways of the subdivision; the names of all adjoining streets or ways. The names of all subdivisions immediately adjacent, or when adjoining property is not a recorded subdivision, the name of the owners thereof; and the book and page number of the public records where adjoining subdivisions or tracts are recorded.

(e) Date, title, legend, north point, and scale. The title shall include the name of the subdivision under which it is to be recorded. The north point should indicate true north for the area, as well as the plane coordinate north in case this is different from true north. Explanatory notes should give the origin and longitude of the reference meridian of the plane coordinate system. The legend will show the various lines (solid, dotted, or dashed) and other symbols used with explanations thereof.
(f) All forms such as endorsements, dedications and certificates required to be shown on the plat, as described in § 14-306.

(g) The final plat shall be accompanied by profiles of streets showing grades approved by the city. Such profiles shall be drawn to city standard scales and elevations shall be based on a datum plane approved by the city. (1975 Code, § 11-1010)

14-311. Endorsements and accompanying material. (1) The final plat, where applicable, shall show the following endorsement, dedications and certificates:

(a) Certificate of title showing the ownership of the land to be in the subdivider, or his principal, or other applicant for approval.

(b) Certificate of dedication of streets, alleys or other public spaces by signature of the owner or owners. Said signatures must be properly acknowledged and witnessed.

(c) Certificate by competent authority that there are no encumbrances on any lands dedicated to the public.

(d) Description of boundary survey.

(e) Space and form for notation of plat volume and page number and date of recording in county register of deeds office.

(f) Any other forms, endorsements, and certificates may, in special cases, be determined by the city manager.

(2) All forms (such as endorsements, dedications, and certificates, in so far as required to be entered on the plats) shall be in accordance with the forms adopted by the planning commission and described below; and, except where otherwise required or permitted, shall be signed by the owner of the property. The four copies of the final plat shall contain all signatures, endorsements, dedications and certificates, and shall be left with the planning commission for its files or transmission to other departments. Where a plat is filed in multiple sheets all signatures, endorsements, dedications and certificates shall appear on each sheet. (1975 Code, § 11-1011)

14-312. Developments required before final approval of the plat. The planning commission will consider approval of the final plat for record only after monuments have been installed in accordance with the specifications given below, and after there has been filed with the city manager any of the following certificates or bonds, which, in the opinion of the city manager, is required by the public interest:

(1) A certificate that all streets shown on the plat have been graded and improved, and that, where required, sewerage and water utilities and facilities have been installed, in accordance with the city's specifications; or

(2) A duly completed and executed bond by a surety company authorized to execute bonds in the State of Tennessee, certified by the city attorney as valid and enforceable by the city in an amount, and with surety
satisfactory to the city manager, securing the making and installation of these improvements, utilities and facilities within the period fixed by the city.

(3) The city will not make any improvements to the streets, alleys and other public ways of any subdivider or grant any services to said subdivision unless plat of said subdivision is duly approved as provided herein, and is recorded in the office of the register of Hamilton County, Tennessee. (1975 Code, § 11-1012)

14-313. Appeal. Any person, firm or corporation may appeal from the action of the planning commission in failing or refusing to approve any plat or plan submitted under the provisions of this chapter within a period of ten (10) days after rejection by the planning commission. The Red Bank board of zoning appeals, after hearing evidence on behalf of the owner and planning commission, may determine whether or not the planning commission shall be sustained or overruled. (1975 Code, § 11-1013)

14-314. Enforcement and penalties. (1) No plat or plan of the subdivision of land into two or more lots shall be recorded by the county register of deeds until said plat or plan has received final approval, in writing, by the planning commission.

(2) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be fined under the general penalty clause for this code. (1975 Code, § 11-1014)

14-315. Regulations are supplemental. These regulations are deemed supplemental to and are to be administered to enhance the administration of the Red Bank zoning ordinance. (1975 Code, § 11-1015)

14-316. Flag lots. Flag lots may be used for access to property which would otherwise prove infeasible or impractical to access with a public street. Flag lots are intended to be used to preserve the natural features or to create more environmentally sensitive building sites. Flag lots are not intended to abrogate standard subdivision development when it is feasible to construct public roads.

Flag lots may be used provided the following non-waivable conditions are met:

(1) The minimum frontage for residential flag lots shall be not less than thirty-five (35) feet on a public street, private drive, or easement (except that the city commission may allow the lot frontage to be reduced to not less than fifteen (15) feet when existing structures and/or their required yards would be infringed upon) capable of being used for ingress and egress; and

(2) Frontage of flag lots shall be separated by a minimum of two hundred (200) feet, measured on a straight line from nearest corner to nearest corner; and
(3) Minimum building site area for flag lots shall be two (2) times the minimum building site area specified in the zoning height and area regulations; and

(4) With reference to slope, soil stability, drainage, and other pertinent characteristics, the access-way of a flag lot shall be capable of being used as a drive for access from the public street, private drive, or easement to the flag lot. (1975 Code, § 11-1016, as replaced by Ord. #95-707, Jan. 1996)
CHAPTER 4

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION
14-401. Statutory authorization, findings of fact, purpose and objectives.
14-402. Definitions.
14-403. General provisions.
14-404. Administration.
14-407. Legal status provisions.

14-401. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-19-101 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Red Bank, Tennessee, Mayor and its Legislative Body do ordain as follows:

(2) Findings of fact. (a) The City of Red Bank, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (C.F.R.), ch. 1, section 60.3.

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

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

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

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;
(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. Objectives. The objectives of this ordinance are:
(a) To protect human life, health, safety and property;
(b) To minimize expenditure of public funds for costly flood control projects;
(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(d) To minimize prolonged business interruptions;
(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
(g) To ensure that potential homebuyers are notified that property is in a floodprone area;
(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #11-959, March 2011)

14-402. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

1. "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:
(a) Accessory structures shall only be used for parking of vehicles and storage.
(b) Accessory structures shall be designed to have low flood damage potential.
(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

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

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

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

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

(5) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

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

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

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

(9) "Building" see "structure."

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

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

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.
(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

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

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

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

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

(18) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
   (a) The overflow of inland or tidal waters.
   (b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

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

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

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

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.
(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

(27) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

(30) "Flood-related erosion area" or "flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

(31) "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

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

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.
(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

(36) "Historic structure" means any structure that is:
   (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
   (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
   (c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
   (d) Individually listed on the City of Red Bank, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
      (i) By the approved Tennessee program as determined by the Secretary of the Interior; or
      (ii) Directly by the Secretary of the Interior.

(37) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

(38) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(39) "Lowest floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

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

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

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

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

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

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

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

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

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

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

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

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

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

(52) "Regulatory 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.

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

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

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

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

(57) "State coordinating agency." The Tennessee Department of Economic and Community Development’s Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure," for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
(59) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

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

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or
(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #11-959, March 2011)
14-03. **General provisions.** (1) **Application.** This ordinance shall apply to all areas within the incorporated area of the City of Red Bank, Tennessee.

(2) **Basis for establishing the areas of special flood hazard.** The areas of special flood hazard identified on the City of Red Bank, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community ID 47065CIND0A and Panel Number(s) 0218, 0219, 0327, 0329, 0331, 0332, 0333, dated November 7, 2002, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) **Requirement for development permit.** A development permit shall be required in conformity with this ordinance 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 ordinance and other applicable regulations.

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

(6) **Interpretation.** In the interpretation and application of this ordinance, 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 ordinance 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 ordinance 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 ordinance shall not create liability on the part of the City of Red Bank, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) **Penalties for violation.** Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate
offense. Nothing herein contained shall prevent the City of Red Bank, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #11-959, March 2011)

14-404. Administration. (1) Designation of ordinance administrator. The director of public works is hereby appointed as the administrator to implement the provisions of this ordinance.

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

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

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

(iv) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-405(1) and (2).

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

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

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

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

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

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

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

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

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

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

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-404(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-404(2).

(h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-404(2).
(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

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

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (as added by Ord. #11-959, March 2011)

14-405. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

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

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

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

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

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

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

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

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-405(2);

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

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

(2) **Specific standards.** In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-405(1), are required:

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

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3’) above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."
hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

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

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-402). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-404(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

(A) Provide a minimum of two (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 finished grade;
(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-405(2).

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

(A) Individual lots or parcels;

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

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

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

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

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-402).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-405(1) and (2).

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

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

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

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

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

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

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

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

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

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-405(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-403(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Red Bank, Tennessee and certification, thereof.
(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-403(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-403(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-405(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-402). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-404(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-405(2).
(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the City of Red Bank, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-405(1) and (2). Within approximate A Zones, require that those subsections of § 14-405(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-403(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-405(1) and (2), 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 as many feet as the depth number specified on the FIRM, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-405(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered
professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-404(2).

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

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-403(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A99 Zones) all provisions of §§ 14-404 and 14-405 shall apply.

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

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-404 and 14-405. (as added by Ord. #11-959, March 2011)

14-406. Variance procedures. (1) Board of floodplain review.

(a) Creation and appointment. A board of floodplain review is hereby established which shall consist of three (3) members appointed by the chief executive officer. The term of membership shall be four (4) years except that the initial individual appointments to the board of floodplain review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times, as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.
(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of two hundred dollars ($200.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The board of floodplain review shall have the following powers:

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

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

(A) The City of Red Bank, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

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

(2) The danger to life and property due to flooding or erosion;
(3) The susceptibility of the proposed facility and its contents to flood damage;
(4) The importance of the services provided by the proposed facility to the community;
(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-406(1).

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

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for
flood insurance (as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #11-959, March 2011)

14-407. Legal status provisions. (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Red Bank, Tennessee, the most restrictive shall in all cases apply.

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

(3) Effective date. The ordinance comprising this chapter shall become effective immediately after its passage, in accordance with the Charter of the City of Red Bank, Tennessee, and the public welfare demanding it. (as added by Ord. #11-959, March 2011)