

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

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

- 14-101. Creation.
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14-101. Creation. In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote the public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, the Decherd Municipal Planning Commission, hereinafter referred to as "the planning commission," is hereby created and established as authorized by *Tennessee Code Annotated*, title 13, and said planning commission shall be organized and empowered as provided in this chapter. (1993 Code, § 14-101)

14-102. Membership. The planning commission shall consist of seven (7) members who shall be residents of Franklin County, Tennessee. One (1) of the members shall be the mayor of the City of Decherd, and one (1) of the members shall be an alderman of the City of Decherd selected by the city council. The remaining five (5) members shall be appointed by the mayor of the City of Decherd. The terms of the members shall be for four (4) years, except that in the appointment of the first planning commission under the terms of this

chapter, the first member shall be appointed for a term of one (1) year, the second member shall be appointed for a term of two (2) years the third member shall be appointed for a term of three (3) years, and the remaining two (2) appointed members shall be appointed for terms of four (4) years each. The membership of the mayor and alderman shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor who shall also have the authority to remove any appointive member at his pleasure. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties. (1993 Code, § 14-102)

14-103. Organization, rules, staff, and finances. The planning commission shall elect its chairman and vice-chairman from among its members. The terms of the chairman and vice-chairman shall be for one (1) year with eligibility for reelection. The planning commission shall appoint a secretary who may be an officer or employee of the municipality. The planning commission shall make its own rules of procedure and determine its time of meeting. All meetings of the planning commission at which official action is taken shall be open to the public and all records of the planning commission shall be public records.

The Decherd Municipal Regional Planning Commission will meet a minimum of six (6) times per year.

The planning commission may appoint such employees and staff as it may deem necessary for its work and may contract with the state planning agency and city planners and other consultants for such services as it may require. The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the city council. (1993 Code, § 14-103, as amended by Ord. #382, June 2014)

14-104. Powers and duties. From and after the time when the planning commission shall have organized, selected its officers, and shall have adopted its rules of procedure, then said planning commission shall have all the powers, duties, and responsibilities set forth in *Tennessee Code Annotated*, title 13. (1993 Code, § 14-104)

14-105. Fee for submitting plat. To recover the costs of the city in reviewing plats submitted for approval, the planning commission is directed to charge each developer submitting a plat for approval a fee equivalent to the fee charged the city by the city engineer for reviewing the developer's plat. Fees charged must be transmitted to the city administrator to become part of the general fund. (Ord. #358, July 2011)

CHAPTER 2

GENERAL PROVISIONS RELATING TO ZONING

SECTION

- 14-201. Authority and purpose.
- 14-202. Short title.
- 14-203. Definitions.
- 14-204. Establishment of districts.
- 14-205. Application of regulations.
- 14-206. Continuance and discontinuance of nonconforming uses.
- 14-207. Off-street automobile parking.
- 14-208. Off-street loading and unloading space.
- 14-209. Area, yard, and height requirements.
- 14-210. Standards for billboards and other advertising structures.
- 14-211. Buffer strips.

14-201. Authority and purpose. In pursuance of authority conferred by the *Tennessee Code Annotated*, title 13, chapter 7, and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to lessen congestion in the streets; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods; to protect property against blight and depreciation; to conserve the value of buildings; and to encourage the most appropriate use of land and buildings and other structures throughout the municipality, all in accordance with the comprehensive plan, the city council does ordain and enact into law the following provisions in this title. (1993 Code, § 14-201)

14-202. Short title. Chapters 2 through 7 in this title shall be known and may be cited as "The Zoning Ordinance of the City of Decherd, Tennessee." (1993 Code, § 14-202)

14-203. Definitions. The purpose of this section is to clarify the meaning of certain words as they are used in this title. Except as specifically defined herein, all words used in this title have their customary dictionary definitions. For the purposes of this title, certain words or terms are to be interpreted or defined as follows.

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular include the plural, and words used in the plural include the singular.

- (3) The word "shall" is always mandatory.
- (4) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (5) The word "lot" includes the words "plot" or "parcel."
- (6) The word "building" includes the word "structure."
- (7) The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (8) The word "map" or "zoning map" means the "Zoning Map of Decherd, Tennessee."
- (9) "Accessory use or building." A use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- (10) "Advertising sign." A sign which directs attention to a business commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises or only incidentally on the premises if at all.
- (11) "Apartment." A building and accessories thereto principally used, designed, or adapted for use as dwelling units having occupancy by three (3) or more households each of which has separate independent living quarters.
- (12) "Apartment, garage." A dwelling unit located above a detached garage for use as a separate independent living quarter. The detached garage and the garage apartment are accessories to the principal residential structure on the zone lot and shall be located in the rear yard. A garage apartment is limited in gross floor area to seven hundred fifty (750) square feet and shall be in compliance with the lot density standard (square feet per family) for the zoning district. All exterior entrance way or exterior balcony or overhang area shall be in compliance with all minimum yard setback requirements.
- (13) "Billboard." A type of advertising sign having more than one hundred (100) square feet of display surface and not exceeding fifty feet (50') in length which is either erected on the ground or attached to or supported by a building or structure.
- (14) "Boarding or rooming house." Any dwelling in which three (3) or more persons, either individually or as families, are housed for hire with or without meals.
- (15) "Buffer strip, planted." A strip of land along a property line eight feet (8') in width reserved for screening purposes from adjoining properties or public rights-of-way and planted with trees and/or shrubs in such a manner as to provide such screening.
- (16) "Building." Any structure attached to the ground and intended for shelter, housing, or enclosure of persons, animals, or chattels.
- (17) "Business sign." An attached or free-standing structure on which is announced the business use of the premises and/or the name of the operator of the business.

(18) "Dwelling." A building designed or used for permanent living quarters for one (1) or more families.

(19) "Dwelling unit." A dwelling or portion thereof providing permanent living quarters for one (1) family.

(20) "Family." One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit.

(21) "Front yard." An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot.

(22) "Household." All persons who occupy a dwelling unit as a resident.

(23) "Lot." A parcel of land occupied or capable of being occupied by one (1) or more buildings and the accessory buildings or uses customarily incidental to it, including such open spaces as are required in this title.

(24) "Lot width." The distance between the side boundaries of the lot measured at the front building line.

(25) "Masonry." A form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building units or materials or a combination of these materials laid up unit by unit and set in mortar.

(26) "Mobile home (trailer)." A structure, transportable in one (1) or more sections, which is built on a permanent chassis, designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile home.

(27) "Nonconforming use." A building, structure, or use of land existing at the time of enactment of the provisions in this chapter, and which does not conform to the regulations of the district in which it is located.

(28) "Nursing home." Any building in which aged, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

(29) "Outdoor advertising sign." An attached or free-standing structure conveying some information, knowledge, or idea to the public.

(30) "Side yard." An open, unoccupied space on the same lot with a principal building located between the side of the buildings and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

(31) "Structure." Anything constructed or erected on the ground or attached to something located on the ground.

(32) "Trailer park." A lot, portion, or parcel of land designed for, or which is intended to be used for, the accommodation of two (2) or more residential mobile homes or trailers.

(33) "Travel trailer." A vehicular, portable structure built on a chassis, or a pick-up camper, or a tent-trailer, or a similar device designed to be used as a temporary dwelling for travel and recreational purposes.

(34) "Travel trailer park." Any plot of ground upon which two (2) or more travel trailers, occupied for camping or periods of short stay, are located.

(35) "Upper story residential." That area of a building above the ground floor which is principally used, designed, or adapted as a dwelling unit(s) for the occupancy and use by one (1) or more households, each household of which has separate living quarters.

(36) "Zone lot." A lot or parcel with a zoning district classification. (1993 Code, § 14-203)

14-204. Establishment of districts. (1) This section is established to provide districts for the various uses of land within the city and to provide boundaries for the designated districts.

For the purposes of this title, the City of Decherd, Tennessee, is hereby divided into eleven (11) districts, designated as follows:

- R-1 Low density residential district
- R-2 Medium density residential district
- R-3 High density residential district
- R-1A Low density residential district
- R-3A High density residential district
- C-1 Central business district
- C-2 Highway service business district
- C-3 Restrictive business/highway service district
- I-1 Light industrial district
- I-2 Heavy industrial district

(2) The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of the City of Decherd, Tennessee," dated June, 1967, and certified by the city recorder.¹ Said map is hereby made a part of this title and shall be on file in the office of the city recorder.

(3) Unless otherwise indicated, the district boundary lines are centerlines of streets or blocks or such lines extended, lot lines, corporate limit lines, or the centerline of the main tracks of a railroad. Such lines drawn as to appear on these lines are hereby located on these lines. Where district boundary lines approximately parallel street or other rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such

¹The zoning map (and all amending ordinances) are of record in the recorder's office.

dimension shall be determined by use of the scale on said zoning map. (1993 Code, § 14-204)

14-205. Application of regulations. This section is established to provide the conditions that must be met by anyone under the jurisdiction of this title.

Except as hereinafter provided:

(1) Use. No building or structure shall hereafter be erected and no existing building or structure or part thereof shall be reconstructed, moved, or altered, nor shall any land, structure, or building be used except in conformity with the regulations herein specified for the district in which it is located.

(2) Height and density. No building or structure shall hereafter be erected, constructed, reconstructed, or altered to:

(a) Exceed the height limits;

(b) House a greater number of families or occupy a smaller lot area per family than provided for in this title; or

(c) Have narrower or smaller front or side yards than are herein required.

(3) Lot area and reduction of lot size. No lot, even though it may consist of one (1) or more adjacent lots in the same ownership at the time of passage of the provisions in this chapter, shall be reduced in size so that lot width or size of yards or lot area per family or any other requirement of this title is not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(4) Yards. No part of a yard or other open space or the off-street parking or loading space required about any building for the purpose of complying with the provisions of this title shall be included as a part of the yard or off-street parking or loading space required for another building.

(5) One principal building on a lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any one (1) lot.

(6) Public street frontage. No building shall be erected on a lot which does not abut for at least fifty feet (50') on a public street, except in an accepted cul-de-sac that has been approved by the City of Decherd Municipal Regional Planning Commission. In this event, the fifty feet (50') width will be measured at the zoning setback line and must meet the width requirements for the zoning district. C-1 zoned districts are exempt.

(7) Double wide manufactured (mobile) homes located in any residential zoned district shall have a continuous masonry underpinning. (1993 Code, § 14-205, as amended by Ord. #386, April 2015)

14-206. Continuance and discontinuance of nonconforming uses. The intent of this section is to serve the public interest by discouraging nonconforming uses without placing an unnecessary hardship on the individual landowner.

The lawful use of any building or structure or land existing at the time of the enactment of the provisions in this title may be continued even though such use does not conform with the provisions of this title, except that the nonconforming structure or use shall not be:

- (1) Changed to another nonconforming use;
- (2) Reestablished after discontinuance for one (1) year;
- (3) Extended or enlarged, except in conformity with this title; or
- (4) Rebuilt, altered, or repaired after damage exceeding fifty percent (50%) of its replacement cost at the time of destruction, except in conformity with this title. The value shall be computed from the amount the structure is assessed for tax purposes. (1993 Code, § 14-206)

14-207. Off-street automobile parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be at least two hundred (200) square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into a major or secondary thoroughfare, except residential property.

- (1) Automobile sales and repair garages. One (1) space for each regular employee plus one (1) space for each three hundred (300) square feet of floor area used for repair work.
- (2) Gasoline filling stations. Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant.
- (3) Hospitals and nursing homes. One (1) space for each three (3) employees and one (1) space for each doctor, plus one (1) space for each four (4) beds.
- (4) Industrial. One (1) space for each two (2) employees on a single shift plus one (1) space for each company vehicle operating from the premises.
- (5) Lodges and clubs. One (1) space for each three (3) members.
- (6) Offices. One (1) space for each four hundred (400) square feet of floor space, except in the C-1 central business district.
- (7) Places of amusement or assembly without fixed seats. One (1) space for each three hundred (300) square feet of floor space devoted to patron use.
- (8) Places of public assembly. One (1) space for each four (4) seats in the main assembly room.
- (9) Residential. Two (2) spaces for each dwelling unit.
- (10) Restaurants. One (1) space for each four (4) seats provided for patron use, plus one (1) space for each two (2) employees, except in the C-1 central business district.
- (11) Retail business. One (1) space for each two hundred (200) square feet of sales space, except in the C-1 central business district.

- (12) Rooming and boarding houses. One (1) space for each two (2) bedrooms.
- (13) Schools. One (1) space for each five (5) students.
- (14) Tourist courts and motels. One (1) space for each accommodation.
- (15) Trailer parks. Two (2) spaces for each mobile home space.
- (16) Wholesale business. Two (2) spaces for each employee.
- (17) Upper story residential dwelling. One and one-half (1 1/2) spaces for each dwelling unit. A certified statement is required to demonstrate a legally binding agreement for parking reserved exclusively for the upper story residential use.

(18) Location on other property. If the required automobile parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred feet (400') of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not hereafter be reduced or encroached upon in any manner.

(19) Extension of parking space into a residential district. Required parking space may be extended one hundred feet (100') into a residential zoning district, provided that:

- (a) The parking space adjoins a commercial or industrial district;
- (b) Has its only access to or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking spaces; and
- (c) Is separated from abutting properties in the residential district by a ten foot (10') wide evergreen planted buffer strip. (1993 Code, § 14-207)

14-208. Off-street loading and unloading space. On every lot on which business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided, as indicated below, for loading and unloading of vehicles off the public street or alley.

(1) Retail business. One (1) space of at least ten feet by thirty five feet (10' x 35') for each three thousand (3,000) square feet of floor area or part thereof, excluding the C-1 central business district.

(2) Wholesale and industrial. One (1) space of at least ten feet (10') by fifty feet (50') for each ten thousand (10,000) square feet of floor area or part thereof.

(3) Bus and truck terminals. One (1) space to accommodate each bus or truck that will be stored and loading or unloading at the terminal at any one (1) time. (1993 Code, § 14-208)

14-209 Area, yard and height requirements. This section is established to show the minimum size, width, and height requirements for the land uses within each designated district. The provisions of this section do not apply within an approved mobile home park.

District	Minimum Lot Size			Minimum Front Yard Setback from Right-of-way of street		Minimum Side Yards in Feet	Maximum Height in Feet
	Area in Sq. Feet	Square Feet per Family	Lot Width in Feet	Major Streets	All Other Streets		
R-1	10,000	10,000	100	35	35	10 with a total of 25	35
R-2	7,500	One family 7,500	75	35	35	10	35
	8,000	Two family 4,000	75				
R-3 R-3A	5,000	One family 5,000	50	35	35	10	50
	8,000	Two family 4,000	75				
	9,000	Multi-family 3,000	90				
R-1A	15,000	15,000	100	35	35	12 with a total of 30	35
C-1						None. 10 feet if provided	50
C-2				35	35	None. 10 feet if provided	40
I-1				35	35	20	50
I-2				40	35	20	50

14-210. Standards for billboards and other advertising structures.

(1) No billboard or ground sign or other advertising structures shall be erected to exceed the maximum height limitation for the zoning district in which it is located.

(2) Billboards shall be erected or placed in conformity with the side and front yard requirements of the zoning district in which located. However, no billboard shall be erected or placed closer than within one thousand feet (1,000') of any residential zoned district. There shall be a minimum distance separation of two thousand feet (2,000') between billboards. Distance separation shall be measured along road or street ways. (1993 Code, § 14-210)

14-211. Buffer strips. A planted buffer strip as defined in § 14-203(15) of this code is required when a commercial (C-1, C-2, C-3) or industrial (I-1, I-2) zoned activity abuts residential (R-1, R-2, R-3, R-1A, R-3A) zoned property. The buffer strip shall be within and along the property boundary of the commercial or industrial zoned activity. To achieve proper screening, the vegetative planted buffer may also include fencing and/or the use of earth sculpting or berms, subject to the approval of the planning commission. (1993 Code, 14-211)

CHAPTER 3

RESIDENCE DISTRICTS

SECTION

- 14-301. General.
- 14-302. R-1 low density residential district.
- 14-303. R-2 medium density residential district.
- 14-304. R-3 high density residential district.
- 14-305. R-1A low density residential district.
- 14-306. R-3A high density residential district.

14-301. General. It is the intent of this title that residential districts be reserved predominately for residence, and contain public and semi-public land uses which are necessary to serve the residents; to protect residents, as far as possible, against congestion and through traffic; to promote the stability and character of residential development; and to promote the most desirable use of land in accordance with Decherd's comprehensive plan. (1993 Code, § 14-301)

14-302. R-1 low density residential district. It is the intent of the R-1 residential district to provide a suitable open character of development for single-family detached dwellings at low densities.

Within the R-1 residential district of the City of Decherd, Tennessee, the following uses are permitted:

- (1) One (1) family dwellings, except trailers and mobile homes;
- (2) Agriculture, except the commercial raising of livestock;
- (3) Church bulletin boards not exceeding twenty (20) square feet in area;
- (4) Churches, provided that:
 - (a) There is a planted buffer strip at least ten feet (10') wide along the property line, except the front; and
 - (b) The buildings are located not less than fifty feet (50') from any property line.
- (5) Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than five feet (5') to any lot line;
- (6) Customary incidental home occupations including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty, and tailor shops, or the accommodation of not more than two (2) boarders provided there is no external evidence of such occupation except an announcement sign not more than two (2) square feet in area and that the operations are conducted within a dwelling by not more than one (1) person in addition to those persons resident therein;
- (7) Hospitals;

- (8) Municipal, county, state, or federal buildings or land uses;
- (9) Nursery schools, day care centers, or kindergartens provided that there are at least one hundred (100) square feet of outdoor play area for each child and the play area is enclosed by a fence at least five feet (5') high that will contain children. Play area is not required for children one (1) year old or younger;
- (10) Public and semi-public recreational facilities and grounds;
- (11) Schools offering general education courses;
- (12) Signs not more than six (6) square feet in area advertising the sale or rental of the property on which they are located; and
- (13) Substations, such as electric, telephone, or gas, if essential for service to the zoning district in which it is proposed they be located, provided that:
 - (a) The structures are placed not less than fifty feet (50') from any property line;
 - (b) The structures are enclosed by a woven-wire fence at least eight feet (8') high;
 - (c) No vehicles or equipment are stored on the premises; and
 - (d) The lot is suitably landscaped, including a planted buffer strip at least ten feet (10') wide along the side and rear property lines. (1993 Code, § 14-302)

14-303. R-2 medium density residential district. It is the intent of the R-2 residential district to provide for a less restricted type of residential development at higher densities than, but under similar environmental conditions as in the R-1 district and to better facilitate convenience, economy, and the use of urban facilities.

Within the R-2 residential district of the City of Decherd, Tennessee, the following uses are permitted:

- (1) Any use permitted in the R-1 residential district;
- (2) Two (2) family dwellings;
- (3) Nursing homes;
- (4) Cemeteries; and
- (5) Garage apartment. Only one (1) garage apartment shall be permitted per zone lot and shall be in compliance with the minimum yard standards for a principal structure. All garage apartments shall have separate municipal water and sewer taps. (1993 Code, § 14-303)

14-304. R-3 high density residential district. This section provides for residences at high densities, including multi-family dwellings, mobile homes, and other general types of residential development. However, it is the intent of this title that the R-3 district contain sound development and be a desirable place in which to live.

Within the R-3 residential district of Decherd, Tennessee, the following uses shall be permitted:

- (1) Any use permitted in the R-2 residential district;
- (2) Multi-family dwellings;
- (3) Boarding and rooming houses;
- (4) Mobile homes, subject to the requirements of § 14-209 and as provided by § 14-1002(2), Decherd Municipal Code, as amended; and
- (5) Trailer parks, not including the sale or services to mobile homes, provided the requirements of title 14, chapter 10 in its entirety, and § 14-207(15) of the Decherd Municipal Code are met. (1993 Code, § 14-304)

14-305. R-1A low density residential district. It is the intent of the R-1A residential district to provide a suitable open character of development primarily for single-family detached dwellings at low densities.

Within the R-1A residential district of the City of Decherd, Tennessee, the following uses are permitted:

- (1) One (1) family dwellings, except trailers and mobile homes;
- (2) Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than ten feet (10') to any lot line;
- (3) Municipal, county, state, or federal land uses that are designed to be compatible with low density single-family residential development; and
- (4) Substations, such as electric, telephone, or gas, if essential for service to the zoning district in which it is proposed they be located, provided that:
 - (a) The structures are placed not less than fifty feet (50') from any property line;
 - (b) The structures are enclosed by a woven-wire fence at least eight feet (8") high;
 - (c) No vehicles or equipment are stored on the premises; and
 - (d) The lot is suitably landscaped, including a planted buffer strip at least ten feet (10') wide along the side and rear property lines. (1993 Code, 14-305)

14-306. R-3A high density residential district. This section is to provide for residences at high densities, including multi-family dwelling and other general types of residential development, but excluding single-wide mobile homes and mobile home parks. It is the intent of this section that the R-3A district contain sound development that provides a desirable place in which to live.

Within the R-3A residential district of Decherd, Tennessee, the following uses shall be permitted:

- (1) Any use permitted in the R-3 residential district;

- (2) Multi-family dwellings; and
- (3) Boarding and rooming houses. (1993 Code, 14-306)

CHAPTER 4

BUSINESS DISTRICTS

SECTION

14-401. General.

14-402. C-1 central business district.

14-403. C-2 highway service business district.

14-404. C-3 restrictive business/highway service district

14-401. General. Business districts are established to provide locations for convenient exchange of goods and services in a reasonable and orderly manner, to protect the character and established pattern of desirable commercial development, to conserve the value of property, and to exclude those uses that are incompatible with designated uses for the districts. (1993 Code, § 14-401)

14-402. C-1 central business district. The C-1 zone is established to protect present business and commercial uses; encourage the eventual elimination of uses inappropriate to the function of the central business area; and encourage intensive development of this zone as the shopping and business center of the City of Decherd and its surrounding trade area.

(1) The following uses are permitted in the C-1 central business district of Decherd, Tennessee:

- (a) Any retail business or service including those making products sold at retail on the premises, providing such manufacturing is incidental to the retail business or service and occupies less than forty percent (40%) of the floor area and employs not more than five (5) operators.
- (b) Banks and offices.
- (c) Clubs and lodges.
- (d) Insurance agencies.
- (e) Light industries.
- (f) Motels.
- (g) Newspaper and printing plants.
- (h) Professional offices for doctors, lawyers, dentists, architects, artists, engineers, and the like.
- (i) Public uses and structures.
- (j) Public utility structures.
- (k) Radio and television stations.
- (l) Restaurants, bars, grills and similar eating and/or drinking establishments, excluding drive-ins.
- (m) Signs:
 - (i) Outdoor advertising not including billboards; and

- (ii) Professional or announcement.
- (n) Theaters, indoor.
- (o) Service stations and repair garages (may be licensed separately).
- (p) Drug stores.
- (2) Uses permitted as a special exception. The following uses are permitted as a special exception after review and approval by the Decherd Board of Zoning Appeals.
 - (a) Upper story residential.
 - (i) The minimum floor area for an upper story residential dwelling unit shall be five hundred (500) square feet.
 - (ii) All proposals and plans for upper story residential use shall be in compliance with all applicable codes.
- (3) The following shall not be permitted in the C-1 Central Business District. There shall not be permitted any type of adult entertainment allowed including:
 - (a) Adult movie theaters.
 - (b) Adult book stores.
 - (c) Adult dance clubs.
 - (d) Tattoo parlors.
 - (e) Piercing parlors.
 - (f) Signing pertaining to any of the above businesses. (1993 Code, § 14-402, as replaced by Ord. #411, Oct. 2018 *Ch1_6-19-19*)

14-403. C-2 highway service business district. The C-2 zone is established to provide an area for uses that are primarily oriented toward conveniently serving the needs of highway traffic.

The following uses are permitted in the C-2 highway service business district:

- (1) Any retail business or service directly related to serving the needs of highway traffic;
- (2) Automobile parts stores;
- (3) Bowling alleys;
- (4) Bus terminals;
- (5) Drug stores;
- (6) Gasoline service stations;
- (7) Hobby, antique, and souvenir shops;
- (8) Nursery schools, day care centers, or kindergartens;
- (9) Motels;
- (10) Public uses and structures;
- (11) Repair garages and automobile sales rooms;
- (12) Signs:
 - (a) Business; and
 - (b) Outdoor advertising including billboards.

- (13) Theaters;
- (14) Trailer sales;
- (15) Used car lots; and
- (16) Any use permitted in the C-1 business district. (1993 Code, § 14-403)

14-404. C-3 restrictive business/highway service district. The C-3 zone is established to provide an area for uses that are restrictive in that the business is not a heavily congested type of business.

The following uses are permitted in the C-3 zone, no other uses will be permitted:

- (1) Wood working shops (i.e. cabinet shops);
- (2) Automobile body shops (provided no wrecked cars are left outside of the building); and
- (3) Glass and mirror shop. (1993 Code, § 14-404)

CHAPTER 5

INDUSTRIAL DISTRICTS

SECTION

14-501. General.

14-502. I-1 light industrial district.

14-503. I-2 heavy industrial district.

14-501. General. Industrial districts are established to provide areas to meet the needs of the city's present and future manufacturing uses with due allowance for the need for a choice of sites, including transportation systems, and to protect adjacent residential and commercial uses and also the industries within the districts. (1993 Code, § 14-501)

14-502. I-1 light industrial district. The I-1 zone is established to provide an area for firms engaged in light manufacturing and distribution of goods, to discourage uses incompatible to light manufacturing, and to protect the surrounding higher land uses and also to protect the industries in the district.

The following uses are permitted in the I-1 light industrial district of Decherd, Tennessee:

(1) Light industries, provided that any industry that may cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure present or prospective industrial development in the district;

(2) Agricultural equipment sales and repair;

(3) Baking establishments;

(4) Bottling and distribution plants;

(5) Signs:

(a) Business; and

(b) Outdoor advertising including billboards.

(6) Public utility structures;

(7) Truck terminals; and

(8) Wholesale and storage business including building material yards.

(1993 Code, § 14-502)

14-503. I-2 heavy industrial district. The I-2 zone is established to provide a suitable centralized area for heavy manufacturing plants with due consideration for choice of sites including transportation systems, to protect the surrounding higher land uses, to protect the industries located in the district, and to discourage uses incompatible with those uses designated for this district.

The following uses are permitted in the I-2 heavy industrial district of Decherd, Tennessee:

(1) Industries, provided that any industry that may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that such noise will not adversely affect the surrounding districts; and

(2) Signs:

(a) Business; and

(b) Outdoor advertising including billboards. (1993 Code, § 14-503)

CHAPTER 6

FLOODPLAIN ZONING ORDINANCE

SECTION

- 14-601. Statutory authorization, findings of fact, statement of purpose, and objectives.
- 14-602. Definitions.
- 14-603. General provisions.
- 14-604. Administration.
- 14-605. Provisions for flood hazard reduction.
- 14-606. Variance procedures.
- 14-607. Legal status provisions.

14-601. Statutory authorization, findings of fact, statement of purpose, and objectives. (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13-7-201 to 13-7-210, *Tennessee Code Annotated*, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Decherd, Tennessee, Mayor and Board of Aldermen, do ordain as follows:

(2) Findings of fact. (a) The City of Decherd, Tennessee, Board of Mayor and Aldermen wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the City of Decherd, 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, flood proofed, 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; and

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

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

(a) To protect human life, health, 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 flood prone areas;

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

(g) To ensure that potential home buyers are notified that property is in a flood prone area; and

(h) To establish eligibility for participation in the NFIP. (Ord. #375, Dec. 2013)

14-602. 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' to 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." 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 one hundred (100) year flood or the one percent (1%) annual chance flood.

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

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

(10) "Development." 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." 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." The program as implemented on an emergency basis in accordance with § 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." The process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

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

(15) "Existing construction." 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." 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 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 "flood prone 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 work 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 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 streets, final site grading, or the pouring of concrete pads) is completed before 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 Decherd, 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." The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

(40) "Manufactured home." 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." A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

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

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

(47) "North American Vertical Datum (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, AI-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, AI-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, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

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

(59) "Substantial damage." 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." 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:

(i) 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;

(ii) 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. (Ord. #375, Dec. 2013)

14-603. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Decherd, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Decherd, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) 470054, panels 0065, 0151, 0152, 0153, 0154, 0160, dated August 4, 2008, 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 chapter prior to the commencement of any development activities.

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

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

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

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

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

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

Any person who violates this 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 Decherd, Tennessee

from taking such other lawful actions to prevent or remedy any violation. (Ord. #375, Dec. 2013)

16-604. Administration. (1) Designation of ordinance administrator. The building official 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 flood proofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-605(1) and (2).

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

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

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

the direct supervision of, a Tennessee registered-professional engineer or architect and certified by same.

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

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

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

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

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

(c) Notify adjacent communities and the Tennessee Department of 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 FIRM's 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 § 14-604(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 § 14-604(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-604(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 Decherd, 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. (Ord. #375, Dec. 2013)

14-605. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

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

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

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

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

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

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

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

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

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

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including § 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 § 14-605(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 § 14-605(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 § 14-602. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood

hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

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

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-602). 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 § 14-604(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 § 14-605(2).
- (d) Standards for manufactured homes and recreational vehicles.
- (i) All manufactured homes placed, or substantially improved, on:
 - (A) Individual lots or parcels;
 - (B) In expansions to existing manufactured home parks or subdivisions; or
 - (C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
 - (ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - (A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or
 - (B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined § 14-602).
 - (iii) Any manufactured home; which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-605(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

(vi) 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 § 14-605(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 § 14-603(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 Decherd, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions § 14-605(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 § 14-603(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 § 14-605(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 § 14-603(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 § 14-605(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 § 14-602). All applicable data including elevations or

floodproofing certifications shall be recorded as set forth in § 14-604(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-605(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 Decherd, 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 § 14-605(1) and (2). Within approximate A Zones, require that those subsections of § 14-605(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 § 14-603(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 § 14-605(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-605(2).

(b) All new construction and substantial improvements of non-residential buildings may be flood proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood proofed 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 flood proofed 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 § 14-604(2).

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

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-603(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-604 and 14-605.

(8) Standards for unmapped streams. Located within the City of Decherd, 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 §§ 14-604 and 14-605. (Ord. #375, Dec. 2013)

14-606. Variance procedures. (1) Municipal Board of Zoning Appeals.

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

(b) Procedure. Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof,

which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

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

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

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

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

(A) The City of Decherd, Tennessee Municipal Board of Zoning Appeals 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 chapter to preserve the historic character and design of the structure.

(C) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

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

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

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

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

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

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

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

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

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

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

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 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 for one hundred dollars (\$25.00 for \$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. (Ord. #375, Dec. 2013)

14-607. 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 Decherd, 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. This chapter shall become effective immediately after its passage, in accordance with the Charter of the City of Decherd, Tennessee, and the public welfare demanding it. (Ord. #375, Dec. 2013)

CHAPTER 7

EXCEPTIONS AND MODIFICATIONS

SECTION

- 14-701. General.
- 14-702. Existing lots.
- 14-703. Front yard setbacks of dwellings.
- 14-704. Height limits.
- 14-705. Corner lots.
- 14-706. Vision clearance.
- 14-707. Group housing projects.
- 14-708. Planned shopping centers.

14-701. General. This chapter is established to provide relief from unnecessary hardships that may occur from the application of the provisions in this title to a specific piece of property. Further, it is intended to provide for the establishment of group project developments that could not reasonably adhere to the provisions of this title. (1993 Code, § 14-701)

14-702. Existing lots. Where the owner of a plot of land consisting of one (1) or more adjacent lots at the time of the enactment of the provisions in this chapter did not at that time own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this title, or if the topography, physical shape, or other unique features of such lots of record prevent reasonable compliance with the setback or other requirements of this title, such plot of land may nevertheless be used as a building site. The yard and other requirements of the district in which the piece of land is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. However, in no case shall the building inspector permit any lot in a residential district to be used as a building site when such lot is less than four thousand (4,000) square feet in total area and thirty feet (30') in width, or has a front yard setback of less than fifteen feet (15') and a side yard setback of less than three feet (3'). (1993 Code, § 14-702)

14-703. Front yard setbacks of dwellings. The front yard setback requirement of this title for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within one hundred feet (100') on each side of such lot within the same block and zoning district and fronting on the same side of the street is more or less than the minimum required setback. In those cases, where the average setback is less than the minimum required setback, the setback on such lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing buildings. In those cases where the average setback is

more than the minimum required setback, the setbacks on such lots shall not be more or less than the average setbacks of the aforementioned existing buildings, except as herein provided. In all cases this setback shall be so located to ensure that the back of any structure erected or moved on said lot will be no further forward than the center of the nearest adjacent existing building. (1993 Code, § 14-703)

14-704. Height limits. The height limitations of this title shall not apply to belfries, church spires, cupolas, domes, and similar structures not intended for human occupancy, nor to chimneys, derricks, flag poles, monuments, radio or television towers or aerials, smoke stacks, transmission towers, water towers, and similar structures. (1993 Code, § 14-704)

14-705. Corner lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces. (1993 Code, § 14-705)

14-706. Vision clearance. In all use districts, except the C-1 central business district, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet (3') and fifteen feet (15') above the finished grade of streets shall be erected, permitted, or maintained within twenty feet (20') of the intersection of the rights-of-way lines of streets or railroads. (1993 Code, § 14-706)

14-707. Group housing projects. A group housing project of two (2) or more buildings to be constructed on a plot of land of at least two (2) acres not subdivided into customary streets and lots, and which will not be so subdivided, may be constructed provided:

- (1) Uses are limited to those permitted within the district in which the project is located;
- (2) Building heights do not exceed the height limits permitted in the district in which the project is located;
- (3) The overall intensity of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located; and
- (4) The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located. (1993 Code, § 14-707)

14-708. Planned shopping centers. A planned shopping center consisting of one (1) or more buildings to be constructed on a plot of land containing at least two (2) acres, not subdivided into customary streets and lots and which will not be so divided, may be constructed, provided:

- (1) It is located at the intersection of a major thoroughfare and the uses permitted are the same as in the C-1 and C-2 districts;
- (2) Off-street automobile parking space requirements for the proposed uses are provided on the lot; and
- (3) Where the project abuts a residential district, there shall be a ten (10) foot planted evergreen strip along the rear and side lot lines adjacent to the residential district. (1993 Code, § 14-708)

CHAPTER 8

ADMINISTRATION AND ENFORCEMENT

SECTION

- 14-801. General.
- 14-802. Zoning enforcement officer.
- 14-803. Building permit required.
- 14-804. Application for building permit.
- 14-805. Construction progress.
- 14-806. Certificate of occupancy required.
- 14-807. Remedies.
- 14-808. Board of zoning appeals.
- 14-809. Variances.
- 14-810. Violations and penalty.

14-801. General. The intent of this chapter is to provide for suitable and proper administration and enforcement of the provisions of this title; to designate the enforcing officer and to outline the proper steps to be taken by parties interested in constructing, erecting, or modifying a structure or other land use; to include a means whereby appeals can be made; and to set forth the penalties for violating the provisions of this title. (1993 Code, § 14-801)

14-802. Zoning enforcement officer. It shall be the duty of the building inspector and he is hereby given the authority to administer and enforce the zoning provisions of this title. (1993 Code, § 14-802)

14-803. Building permit required. No building or other structure shall be located, erected, moved, or added to or structurally altered (with a cost exceeding two hundred dollars (\$200.00)), nor any development be commenced without a building permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this title. (1993 Code, § 14-803)

14-804. Application for building permit. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing:

- (1) The actual dimensions of the lot to be built upon;
- (2) The size of the building or structure to be erected;
- (3) The location of the building or structure on the lot;
- (4) The location of existing structures on the lot, if any;
- (5) The number of dwelling units the building, if residential, is to accommodate;
- (6) The setback lines of buildings on adjoining lots;
- (7) The layout of off-street parking and loading spaces; and

(8) Such other information as may be necessary to provide for the proper enforcement of the zoning provisions of this title. (1993 Code, § 14-804)

14-805. Construction progress. Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or discontinued for a period of one (1) year. (1993 Code, § 14-805)

14-806. Certificate of occupancy required. A certificate of occupancy issued by the building inspector is required in advance of the use or occupancy of:

- (1) Any lot or a change in the use thereof;
- (2) A building hereafter erected or altered or a change in the use of an existing building; and
- (3) Any nonconforming use that is existing at the time of the enactment of the provisions in this title or an amendment thereto that is changed, extended, altered, or rebuilt thereafter. The certificate of occupancy shall state specifically wherein the nonconforming use fails to meet the provisions of this title.

No certificate of occupancy shall be issued unless the lot or building or structure complies with all of the provisions of this title.

A record of all certificates of occupancy shall be kept on file in the office of the building inspector and a copy shall be furnished, on request, to any person having a proprietary to tenancy interest in the building or land involved. (1993 Code, § 14-806)

14-807. Remedies. If any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained or any building, structure, or land is used in violation of the zoning provisions in this title, the building inspector or other appropriate authority or any adjacent or other property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to stop the violations in the case of such building, structure, or land. (1993 Code, § 14-808)

14-808. Board of zoning appeals. In accordance with *Tennessee Code Annotated*, §§ 13-7-205 to 13-7-207, the Decherd Municipal Planning Commission shall serve as the Decherd Board of Zoning Appeals.

(1) **Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

(2) Appeals to the board. An appeal to the Decherd Board of Zoning Appeals may be taken by any persons, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the building inspector based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any persons or party may appear in person, by agent, or by attorney.

(3) Stay of proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of zoning appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the building inspector, and on due cause shown.

(4) Appeal to the court. Any person or persons or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

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

(a) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this chapter;

(b) Special exceptions. To hear and decide applications for special exceptions as specified in this chapter, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the board of zoning appeals is authorized to pass; and

(c) Variances. To hear and decide applications for variances from the terms of this chapter. (1993 Code, § 14-809)

14-809. Variances. The purpose of this variance is to modify the strict application of the specific requirements of this chapter in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to

overcome some obstacle which is preventing an owner from using his property under this chapter.

(1) Application. After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the board of zoning appeals.

(2) Fee. A fee of twenty-five dollars (\$25.00), payable to the City of Decherd, shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

(3) Hearings. Upon receipt of an application and fee, the board shall hold a hearing to decide whether a variance to the chapter provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

(4) Standards for variances. In granting a variance, the board shall ascertain that the following criteria are met.

(a) Variances shall be granted only where special circumstances or conditions, fully described in the finding of the board, do not apply generally in the district.

(b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

(d) The granting of any variance shall be in harmony with the general purposes and intent of this chapter and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

(e) In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefor. (1993 Code, § 14-810)

14-810. Violations and penalty. Upon conviction, any person violating any provision of this title shall be fined under the general penalty clause for this code of ordinances. (1993 Code, § 14-807)

CHAPTER 9

AMENDMENT AND LEGAL STATUS

SECTION

14-901. Amendments.

14-902. Legal status provisions.

14-901. Amendments. This section is established to provide a means whereby certain desirable changes and additions can be made to the zoning ordinance from time to time. These amendments must be in relation to the comprehensive plan and the general welfare of the community.

Chapters 2 through 7 in this title may be amended from time to time by the city council, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Decherd Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its report. If the planning commission disapproves the amendment, within thirty (30) days, it shall require the favorable vote of a majority of the city council to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before enacting an amendment to chapters two through seven in this title, the city council shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the City of Decherd. (1993 Code, § 14-901)

14-902. Legal status provisions. This section is established to present the legal status of chapters 2 through 7 in this title and to resolve differences and conflicts between such provisions and other ordinances.

Whenever such regulations of this title require more restrictive standards than are required in or under any other statute, the requirements of this title shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this title, the provisions of such statute shall govern.

Should any section or provision of this title be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the title as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

The zoning provisions in this title shall take effect and be in force from and after the date of their adoption, the public welfare demanding it. (1993 Code, § 14-902)

CHAPTER 10**MOBILE HOMES AND TRAILER PARKS****SECTION**

- 14-1001. Definitions.
- 14-1002. License required.
- 14-1003. License fees.
- 14-1004. Application for license.
- 14-1005. Board of investigators to enforce.
- 14-1006. Trailer park plan.
- 14-1007. Location of trailer parks.
- 14-1008. Water supply.
- 14-1009. Dependent trailer homes.
- 14-1010. Sewage and refuse disposal.
- 14-1011. Garbage receptacles.
- 14-1012. Fire prevention.
- 14-1013. Animals and pets.
- 14-1014. Register of occupants.
- 14-1015. Revocation of license.
- 14-1016. Posting of license.

14-1001. Definitions. As used in this chapter:

- (1) "Dependent mobile home." A mobile home which does not have a toilet and a bath or shower.
- (2) "Independent mobile home." A mobile home that has a toilet and a bath or shower.
- (3) "Independent mobile home space." A mobile home space which has sewer and water connections designated to accommodate the toilet and bath or shower contained in an independent mobile home.
- (4) "License." The permit required for mobile homes and parks. Fees charged under the license requirement are for inspection and the administration of this chapter.
- (5) "Mobile home (trailer)." A detached residential dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.
- (6) "Mobile home space." A plot of ground within a trailer park designated for the accommodation of one mobile home.
- (7) "Natural or artificial barrier." Any river, pond, canal, railroad, levee, embankment, fence, or hedge.

- (8) "Park." Trailer park.
- (9) "Person." Any natural individual, firm, trust, partnership, association, or corporation.
- (10) "Trailer park." Any plot of ground upon which two (2) or more trailer coaches, occupied or unoccupied for dwelling purposes, are located, regardless of whether or not a charge is made for such accommodation.
- (11) "Travel trailer." A vehicular, portable structure built upon a chassis, or a pick-up camper, or a tent-trailer, or a similar device designed to be used as a temporary dwelling for travel and recreational purposes.
- (12) "Travel trailer park." Any plot of ground upon which two (2) or more travel trailers, occupied for camping or periods of short stay, are located. (1993 Code, § 14-1001)

14-1002. License required. The following requirements for licenses shall apply to any trailer park or individual mobile home within the corporate limits of Decherd.

(1) Trailer parks. It shall be unlawful for any person to maintain or operate, within the corporate limits of the city, any trailer park unless such person shall first obtain a license therefor. All trailer parks in existence upon the effective date of the provisions in this chapter shall, within ninety (90) days thereafter, obtain such license and in all other respects fully comply with the requirements of this chapter.

(2) Individual mobile homes. It shall be unlawful for any person or persons to maintain an individual mobile home as a dwelling or for the owner of any property to let space for an individual trailer coach within the corporate limits of the city outside a trailer park or areas designated as R-3, high density residential district, as provided by the Zoning Ordinance of Decherd, Tennessee. The individual mobile home locating in such designated R-3 high density residential district shall be placed upon a permanent foundation, tied down or anchored, have obtained a license therefor, and complied with the adopted building code, and the Decherd Municipal Code. It shall be the responsibility of the occupant of the mobile home to secure the license. In the event that an individual mobile home is moved from one (1) location to another, a license must be secured for the mobile home at the new location regardless of the time elapsed since the original license was issued. Mobile homes already located in the corporate limits of the City of Decherd when these provisions become effective are not compelled to comply with the provisions herein, unless moved to a new location. (1993 Code, § 14-1002)

14-1003. License fees. An annual license fee shall be required for trailer parks and individual mobile homes as follows.

(1) Trailer parks. The annual license fee for trailer parks shall be fifteen dollars (\$15.00) for each park.

(2) Individual mobile homes. The annual license fee for each trailer coach shall be five dollars (\$5.00). The fee for transfer of the license because of a change in ownership or occupancy shall be five dollars (\$5.00). (1993 Code, § 14-1003)

14-1004. Application for license. (1) Trailer parks. The application for a trailer park license shall be filed with, and the license issued by, the city building inspector. The application shall be in writing, signed by the applicant, and shall contain the following:

- (a) The name and address of the applicant;
- (b) The location and legal description of the trailer park;
- (c) A complete plan of the park showing compliance with § 14-305;
- (d) Plans and specifications of all buildings and other improvements constructed or to be constructed within the trailer park; and
- (e) Such further information as may be required by the City of Decherd to enable it to determine if the proposed park will comply with legal requirements.

Each application and all accompanying plans and specifications shall be filed in triplicate.

(2) Individual mobile homes. The application for an individual trailer coach license shall be filed with, and the license issued by, the city building inspector. The application shall be in writing, signed by the applicant, and shall contain the following:

- (a) The names of the applicant and all people who are to reside in the trailer coach;
- (b) The description of the mobile home;
- (c) The state license number, make, model, and year of the mobile home and each automobile owned by the occupants of the mobile home; and
- (d) Such further information as may be required by the City of Decherd to enable it to determine if the trailer home and site will comply with legal requirements.

The application shall be filed in triplicate. (1993 Code, § 14-1004)

14-1005. Board of investigators to enforce. A board of investigators consisting of the city health officer, the chief of the fire department, the chief of police, the building inspector, and the planning commission chairman is hereby created, with the building inspector as chairman. The chairman shall, with the approval of the members of the board, appoint a secretary for the board from among the employees of the city.

It is hereby made the duty of said board to enforce all provisions of this chapter as prescribed herein or such provisions as may hereafter be enacted. For

the purpose of securing such enforcement, any of the members of the board, or their duly authorized representatives, shall have the right and are hereby empowered to enter upon any premises on which any trailer home or homes are located, or are about to be located, to inspect the same and all trailer homes and accommodations connected therewith at any reasonable time. The board is further empowered to issue orders granting, renewing, and revoking such permits and licenses as are provided for in accordance with the provisions of this chapter. (1993 Code, § 14-1005)

14-1006. Trailer park plan. The trailer park shall conform to the following requirements.

(1) The park shall be on a well-drained site which is properly graded to ensure rapid drainage and freedom from stagnant pools of water.

(2) The proposed site shall contain a minimum area of three (3) acres.

(3) There shall be a maximum of nine (9) mobile home spaces per gross acre.

(4) Mobile home spaces shall have a minimum of three thousand (3,000) square feet each with a minimum width of forty feet (40').

(5) A minimum of fifty percent (50%) development of the total number of mobile home spaces in the proposed park shall be available for occupancy before any mobile home space may be occupied by a mobile home.

(6) Within a mobile home space the minimum front yard setback for a mobile home shall be ten feet (10') and the minimum side yard setback shall be seven feet (7'). No mobile home shall be located closer than ten feet (10') from any property line bounding the park.

(7) All mobile home spaces shall abut upon a driveway of not less than twenty feet (20') in width which shall have unobstructed access to a public street or highway. All driveways constructed after the effective date of the provisions in this chapter shall be hard-surfaced.

(8) A planted buffer strip, not less than ten feet (10') in width shall be located along the property lines of the park, except across driveways and streets.

(9) An electrical outlet supplying at least 230/115 volts shall be provided for each trailer home space. (1993 Code, § 14-1006)

14-1007. Location of trailer parks. Trailer parks may be located only in R-3 high density residential district, within the City of Decherd as provided by the Zoning Ordinance of Decherd, Tennessee. Each boundary of the park must be at least forty feet (40') from any permanent residential building located outside the park unless separated therefrom by a natural or artificial barrier or unless a majority of the property owners, according to area, within said forty feet (40') consent in writing to the establishment of the park. (1993 Code, § 14-1007)

14-1008. Water supply. An adequate supply of pure water for drinking and domestic purposes shall be supplied to meet the requirements of the park. (1993 Code, § 14-1008)

14-1009. Dependent trailer homes. Dependent trailer homes, as herein defined, shall not be parked within the corporate limits of the City of Decherd, unless the trailer park provides at least one (1) flush toilet, one (1) shower bath or tub, and one (1) lavatory for every ten (10) dependent mobile home spaces in the park.

All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free from any conditions that will menace the health of any occupant or the public or constitute a nuisance. (1993 Code, § 14-1009)

14-1010. Sewage and refuse disposal. Waste from toilets, sinks, and laundries shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will present no health hazard. All kitchen sinks, wash-basins, and bath or shower tubs in a mobile home may empty into a sanitary sink drain located on the trailer home space. (1993 Code, § 14-1010)

14-1011. Garbage receptacles. A garbage can of a standard required by the City of Decherd shall be provided for each mobile home. The garbage can and surrounding area shall be kept in a sanitary condition at all times. (1993 Code, § 14-1011)

14-1012. Fire prevention. Every park shall be equipped at all times with one (1) fire extinguisher in good working order, for every ten (10) mobile home spaces, located not farther than two hundred feet (200') from each mobile home space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time. (1993 Code, § 14-1012)

14-1013. Animals and pets. No owner or person in charge of any dog, cat, or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer park. (1993 Code, § 14-1013)

14-1014. Register of occupants. It shall be the duty of each licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) The name and address of each occupant;
- (2) The name of each owner and the make, model, year, and state license number of all mobile homes;

(3) The license number, the name of owner, and the make, model, and year of each automobile by which the mobile home is towed, in addition to the same information for other automobiles belonging to occupants of mobile homes within the park; and

(4) The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration. (1993 Code, § 14-1014)

14-1015. Revocation of license. The city may revoke any license to maintain and operate a park when the licensee fails to comply with any provision of this chapter and is found guilty by a court of competent jurisdiction of such violation. After such conviction, the license may be reissued if the circumstances leading to the conviction have been remedied and the park can be maintained and operated in full compliance with the law. (1993 Code, § 14-1015)

14-1016. Posting of license. The license certificate for a trailer park shall be posted near the front door of the office or elsewhere in a conspicuous place on the premises of the trailer park at all times. (1993 Code, § 14-1016)