

**TITLE 14**

**ZONING AND LAND USE CONTROL**

**CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. FLOOD DAMAGE PREVENTION ORDINANCE.
4. MOBILE HOME PARK ORDINANCE.
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**CHAPTER 1**

**MUNICIPAL PLANNING COMMISSION**

**SECTION**

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

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the governing body selected by the governing body; the other three (3) members shall be appointed by the mayor. The compensation of the members of the planning commission shall be set by resolution. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the governing body shall run concurrently with their respective terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #1-75, Oct. 1974, as amended by Ord. #48-04, Sept. 2004)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (Ord. #1-75, Oct. 1974)

## CHAPTER 2

ZONING ORDINANCE

## SECTION

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

14-201. **Land use to be governed by zoning ordinance.** Land use within the City of Piperton shall be governed by Ordinance # 5-97, titled "Zoning Ordinance, Piperton, Tennessee," and any amendments thereto.<sup>1</sup> (Ord. # 5-97, Nov. 1997)

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<sup>1</sup>Ordinance #5-97, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

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

Ordinance #96-06 pertaining to telecommunication regulation in the City of Piperton is of record in the office of the city recorder.

**CHAPTER 3**

**FLOOD DAMAGE PREVENTION ORDINANCE<sup>1</sup>**

**SECTION**

- 14-301. Statutory authorization, findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Provisions for flood hazard reduction.
- 14-306. Variance procedures.
- 14-307. Legal status provisions.

**14-301. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-202 delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Piperton, Tennessee Board of Mayor and Commissioners, does ordain as follows:

(2) Findings of fact. (a) The Piperton Board of Mayor and Commissioners wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(a) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

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

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

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

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<sup>1</sup>Ordinances adopting certain FEMA flood maps are of record in the office of the city recorder.

(a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;

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

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

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

(a) To protect human life and health;

(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;

(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, street and bridges located in floodable areas;

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

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

(h) To establish eligibility for participation in the National Flood Insurance Program. (Ord. #2-93, April 1993)

**14-302. 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.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

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

(b) Accessory structures shall be designed to have low flood damage potential.

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

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

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

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

(4) "Appeal" means a request for a review of the building official's interpretation of any provision of this ordinance or a request for a variance.

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

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

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

(8) "Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure.")

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

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

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

(12) "Existing construction" any structure for which the "start of construction" commenced before the effective date of this ordinance.

(13) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

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

(15) "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).

(16) "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.

(17) "Flood elevation determination" means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

(18) "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) and/or flood-related erosion hazards.

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

(20) "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.

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

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

(23) "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 one foot.

(24) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood

flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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

(27) "Historic structure" means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

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

(ii) Directly by the Secretary of the Interior in states without approved programs.

(28) "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.

(29) "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.

(30) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(31) "Manufactured home" means a structure, transportable in one 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".

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

(33) "Mean sea level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

(35) "New construction" any structure for which the "start of construction" commenced on or after the effective date of this ordinance. The term also includes any subsequent improvements to such structure.

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

(37) "100-year flood" see "base flood".

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

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

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

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

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

(42) "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 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; or the placement of a manufactured home on a foundation. Permanent construction does not include 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.

(43) "State coordinating agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

(45) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(46) "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement

official and which are the minimum necessary to assure safe living conditions or;

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

(47) "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 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

(49) "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.

(50) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Ord. #2-93, April 1993)

**14-303. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of Piperton, Tennessee.

(2) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activity.

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

(4) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.

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

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

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Piperton, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #2-93, April 1993)

**14-304. Administration.** (1) Designation of building inspector. The building inspector is hereby appointed to administer and implement the provisions of this ordinance.

(2) Permit procedures. Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the building inspector.

No man-made change to improve or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling, shall commence until a separate permit has been obtained from the building inspector for each change.

No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the building inspector.

(3) Duties and responsibilities of the city manager. Duties of the building inspector shall include, but not be limited to:

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

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

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

(d) All records pertaining to the provisions of this ordinance shall be maintained in the office of the building inspector 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.

(e) When unnumbered A zones, base flood elevation data, or floodway data have not been provided by the Federal Emergency Management Agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development meet the requirements of this ordinance. (Ord. #2-93, April 1993)

**14-305. Provisions for flood hazard reduction.** (1) General standards. In all flood prone areas the following provisions are required:

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

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

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

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

(e) 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 which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance; and,

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance and provided said nonconformity is not extended.

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

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

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

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards. (Ord. #2-93, April 1993)

**14-306. Variance procedures.** (1) Board of floodplain review.

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

Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) Procedure. Meetings of the board of floodplain review shall be held at such times as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the board of commissioners.

(c) Appeals: how taken. An appeal to the board of floodplain review may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The building inspector shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than 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 board of floodplain review shall have the following powers:

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

(ii) Variance procedures.

(A) The Piperton Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(B) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a

historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

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

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

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

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

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

(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, and water systems, and streets and bridges.

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

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

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

(b) Variances shall only be issued upon:

(i) A showing of good and sufficient cause,

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) 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 specifying the decreased risk resulting from raising the lowest floor elevation.

(d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. #2-93, April 1993)

**14-307. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict with this ordinance or any part thereof, and the whole or part of any existing or future ordinance of Piperton, Tennessee, the most restrictive shall in all cases apply.

(2) Validity. 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. (Ord. #2-93, April 1993)

## CHAPTER 4

MOBILE HOME PARK ORDINANCE

## SECTION

- 14-401. Definitions.
- 14-402. Regulating mobile homes.
- 14-403. Regulating mobile home parks.
- 14-404. Permit.
- 14-405. Fees for permit.
- 14-406. Application for permit.
- 14-407. Enforcement.
- 14-408. Board of appeals.
- 14-409. Violation and penalty.
- 14-410. Conflicts with other ordinances and regulations.

14-401. **Definitions.** Except as specifically defined herein, all words in this ordinance have their customary dictionary definitions when not inconsistent with the context. For the purposes of this ordinance certain words or terms are defined as follows:

The term "shall" is mandatory.

When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

(1) "Mobile home (trailer)." A detached single-family dwelling unit with all of the following characteristics:

(a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(b) Designed with its own chassis, to be transported after fabrication on its own wheels, or detachable wheels.

(c) Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to utilities and the like.

(2) "Mobile home park." The term mobile home park shall mean any plot of ground within the City of Piperton, on which more than one mobile home occupied for dwelling or sleeping purposes, are located.

(3) "Mobile home space." The term shall mean a plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

(4) "Health officer." The director of the county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

(5) "Permit." A permit is required for mobile home parks. Fees charged under the permit requirements are for inspection and the administration of this ordinance. (Ord. #6-78, Nov. 1978)

**14-402. Regulating mobile homes.** No mobile home shall be used, placed, stored or serviced by utilities within the City of Piperton unless there is posted near the door of said mobile home a valid Tennessee State Electrical Inspection sticker which shall remain on display at all times. (Ord. #6-78, Nov. 1978)

**14-403. Regulating mobile home parks.** (1) Permit for mobile home park. No place or site within the City of Piperton shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless a valid permit issued by the Piperton Building Inspector in the name of such person or persons for the specific mobile home park is held. The Piperton Building Inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this ordinance; see §§ 14-404 and 14-406. Mobile home parks, in existence as of the effective date of this ordinance, shall be required to obtain a mobile home park permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a nonconforming use, provided, however, if at any time the ownership of said park shall change, said new owner shall be given a period not to exceed ninety (90) days in which to comply with current mobile home park regulations in all respects and his failure to do so shall render him ineligible for a mobile home park permit at his then present location.

Said pre-existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of said mobile home park. Any expansion of a pre-existing mobile home park shall be in compliance with the provisions of this ordinance.

(2) Inspections by the Piperton Building Inspector. The Piperton Building Inspector is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The Piperton Building Inspector shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

(3) Location and planning. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger

any water supply and shall be in conformity with a plan approved by the Piperton Planning Commission.

(4) Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than two (2) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management.

(5) Pre-opening inspection. Minimum number of spaces completed and ready for occupancy before first occupancy is two (2). Before the initial opening of a mobile home park, no trailer space may be occupied until an inspection has been completed and approval obtained by the Piperton Building Inspector and the county health officer. It shall be the responsibility of the owner or operator to request such inspection.

(6) Minimum mobile home space and spacing of mobile homes. Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, and at least fifteen (15) feet end to end spacing between trailers and any building structure, twenty (20) feet between any trailer and property line and fifty (50) feet from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:

(a) A minimum lot area of three thousand (3,000) sq. ft.

(b) A minimum depth with end parking of automobile equal to the length of the mobile home plus thirty (30) ft.

(c) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and

(d) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet.

(7) Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after the Division of Sanitary Engineers, Tennessee Department of Health, 606 Cordell Hull Building, Nashville, Tennessee 37219 has been contacted for requirements to construct, operate and maintain a public water system and written approval of plans and specifications has been granted by the county health officer.

(8) Sewage disposal. An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each connection, shall be trapped below the frost line and shall reach at least four (4) inches above the surface of the ground. The sewer connection shall be protected by a concrete collar, at least three (3) inches deep and extending twelve (12) inches from the connection in all directions. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

Every effort shall be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available. The minimum size of any septic tank so installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one (1) single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity.

The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined on the basis of the percolation rate of the soil. The percolation rate shall be determined as outlined in Appendix A of the Tennessee Department of Public Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions." This bulletin is available on request from the department. No mobile home shall be placed over a soil absorption field.

In lieu of public sewerage or septic tank system, an officially approved package treatment plant or an officially approved lagoon system may be used.<sup>1</sup>

(9) Refuse. The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazard. All refuse shall be stored in fly proof, water tight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least once per week. (As specified by Regulations six (6) of the Tennessee Trailer Coach Regulation.)

(10) Electrical. An electrical outlet supplying at least 220 volts and sufficient amperage capacity shall be provided for each mobile home space and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulation No. 15, entitled, "Regulations Relating to Electrical Installations in the State of Tennessee" and shall satisfy all requirements of the local electric service organization.

(11) Illumination. The park driveways shall be furnished with 175 watt mercury vapor lamps at intervals of two hundred (200) feet approximately thirty (30) feet from the ground. Said lights shall be connected to an automatic

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<sup>1</sup>Where septic tanks are to be used, the Planning Commission shall require certificates of approval by the county health officer.

switching device regulated to turn on the lamps with darkness and turn them off with daylight.

(12) Streets. Minimum pavement widths of various streets within mobile home parks shall be:

All streets, except minor streets . . . . . 24 feet

Minor streets, no parking . . . . . 18 feet

Street shall have a gravel base consisting of size twenty five (25) (Grade D) stone compacted to six (6) inches and a paved surface of asphaltic concrete (hot mix)--as specified in the Tennessee Department of Highways Standard Specifications for Road and Bridge Construction, 1868, Section 411--compacted to one (1) inch with not less than an average weight of one hundred (100) pounds per square yard.

Streets shall remain the property and responsibility of the owner and will not be dedicated to the county for construction or maintenance.

(13) Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. All parking areas shall be of an all weather surface.

Such facilities shall be provided at the rate of at least two (2) car spaces for each mobile home space. The size of the individual parking spaces shall be located so access can be gained only from internal streets of the mobile home park.

(14) Buffer strip. An evergreen buffer strip consisting of trees, shrub, or hedge which will grow to a height of not less than ten (10) feet and be spaced not less than ten (10) feet apart shall be planted along all boundaries of the mobile home park. Buffer strips shall be terminated at entrances to public roads a distance sufficient to provide adequate sight clearance for vehicles entering and leaving the park.

(15) Seeding. All park open spaces and lots shall be seeded with suitable lawn grasses. (Ord. #6-78, Nov. 1978)

**14-404. Permit**. The following requirements for permits shall apply to any mobile home park within the City of Piperton.

Mobile home parks. It shall be unlawful for any person or persons to maintain or operate within the City of Piperton any mobile home park unless such person or persons first obtain a permit therefor. (Ord. #6-78, Nov. 1978)

**14-405. Fees for permit**. An annual permit fee shall be required for mobile home parks.

(1) Mobile home parks. The annual permit fee for mobile home parks shall be twenty-five dollars (\$25.00) for up to five (5) spaces and two (2) dollars for each space over five (5) spaces. (Ord. #6-78, Nov. 1978)

**14-406. Application for permit.** (1) Mobile home parks. Applications for a mobile home park shall be filed with and issued by the Piperton Building Inspector subject to the planning commission's approval of the mobile home park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. Plans of the proposed mobile home park shall be filed with the Piperton Building Inspector at least seven (7) days prior to the meeting at which it is to be considered. The plan shall contain the following information and conform to the following requirements.

- (a) The plan shall be clearly and legibly drawn to a scale not smaller than one hundred (100) feet to one inch;
- (b) Name and address of owner of record;
- (c) Proposed name of park;
- (d) North point and graphic scale and date;
- (e) Vicinity map showing location and acreage of mobile home park;
- (f) Exact boundary lines of the tract by bearing and distance;
- (g) Names of owners of record of adjoining land;
- (h) Existing streets, utilities, easements, and water courses on and adjacent to the tract;
- (i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
- (j) Provisions for water supply, sewerage and drainage;
- (k) Such information as may be required by said county to enable it to determine if the proposed park will comply with legal requirements; and
- (l) The applications and all accompanying plans and specifications shall be filed in triplicate with the building commissioner.

(2) Certificates that shall be required are:

- (a) Owner's certification
- (b) Planning commission's approval signed by secretary;
- (c) The county health officer and;
- (d) Any other certificates deemed necessary by the planning commission. (Ord. #6-78, Nov. 1978)

**14-407. Enforcement.** It shall be the duty of the Piperton Building Inspector to enforce provisions of this ordinance. (Ord. #6-78, Nov. 1978)

**14-408. Board of appeals.** (1) The Piperton Board of Zoning Appeals shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building commissioner the enforcement of this ordinance, may appeal for and receive a hearing by the Piperton Board of Zoning Appeals for an interpretation of pertinent ordinance provisions. In exercising this power of interpretation of this ordinance, the Piperton Board of Zoning Appeals may in conformity with the provisions of this ordinance, reverse or affirm any order, requirement, decision or determination made by the building inspector.

(2) **Appeals from board of appeals.** Any person or persons or any board, taxpayer, department, aggrieved by any decision of the Piperton Board of Zoning Appeals may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (Ord. #6-78, Nov. 1978)

**14-409. Violation and penalty.** Any person or corporation who violates the provisions of the ordinance or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the Piperton Building Inspector after receipt of thirty-five (35) days written notice of such requirements, shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) for each offense and each day of continued violation shall constitute a separate offense, subsequent to receipt of said thirty-five (35) days. (Ord. #6-78, Nov. 1978)

**14-410. Conflicts with other ordinances and regulations.** In a case where a provision of this ordinance is found to be in conflict with a provision of any private or public act or local ordinance or code, the provision which establishes the higher standard for promotion and protection of the health and safety of the people shall prevail. (Ord. #6-78, Nov. 1978)

## CHAPTER 5

### EROSION AND SEDIMENT CONTROL

#### SECTION

- 14-501. Requirements for land disturbance activities.
- 14-502. Criteria for area construction activities.
- 14-503. Construction management techniques or management measures.
- 14-504. Vegetative controls.
- 14-505. Structural controls.
- 14-506. Grading permit and fee.

**14-501. Requirements for land disturbance activities.** A site plan (to scale shall be submitted for review by the City of Piperton Planning Commission, and shall include the following information:

- (1) Project description. Brief narrative describing the purpose and nature of proposed land disturbance activities.
- (2) Vicinity map showing the boundaries of the project, as well as the precise limits of clearing and grading.
- (3) Existing contours and final contours.
- (4) Calculations for runoff estimation and stormwater detention basin design (if applicable), and sizes of sediment basins and traps.
- (5) All trees (eight inches or greater at a height of four feet) to be removed.
- (6) Any adjacent waterbody and/or waterway.
- (7) Marked areas of critical erosion. (If applicable.)
- (8) Marked locations of erosion and sediment control measures.
- (9) Detailed drawing of all control measures.
- (10) Detailed construction notes and maintenance schedule for all erosion and sediment controls.
- (11) A copy of the applicant's executed and approved notice of intent. (If applicable.)

The site plan, and any accompanying plan documents, shall be submitted to the City of Piperton at least thirty (30) business days prior to the planning commission meeting at which it is to be heard.

Any approval of a permit for land disturbance activity shall be conditioned upon the applicant's strict adherence to the attached criteria for area construction activities. (Ord. #12-01, July 2001)

**14-502. Criteria for area construction activities.** Erosion and sediment control plans must include detailed construction specifications for all control measures and must be prepared by trained and experienced personnel.

Detailed information, drawings, standards, and specifications for each project shall be submitted for approval.

Best management practices for erosion and sediment controls include construction management measures, vegetative controls, and structural controls. Some control practices can be used independently; others must be used in combination. Erosion controls are not restricted to the following practices. However, alternative measures must be at least as effective in controlling erosion and sedimentation. (Ord. #12-01, July 2001)

**14-503. Construction management techniques or management measures.** (1) Clearing and grubbing must be held to the minimum necessary for grading and equipment operation.

(2) Construction must be sequenced to minimize the exposure time of cleared surface area. Grading activities must be avoided during periods of highly erosive rainfall.

(3) Construction must be staged or phased for large projects. Areas of one phase must be stabilized before another phase can be initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.

(4) Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be properly constructed and maintained throughout the construction period.

(5) Regular maintenance is vital to the success of an erosion and sediment control system. All control measures shall be checked weekly and after each rainfall. During prolonged rainfall, daily checking is necessary.

(6) Construction debris must be kept from entering the stream channel.

(7) Stockpile soil shall be located far enough from streams or drainageways so that runoff cannot carry sediment downstream.

(8) The creation of substantial borrow pits shall be discouraged. Any proposal for borrow pits will be intensively reviewed from the standpoint of impacts to underground aquifers, and the availability of adequate basin area to ensure the recharge of the borrow pit.

(9) A specific individual shall be designated to be responsible for erosion and sediment controls on each project site. (Ord. #12-01, July 2001)

**18-504. Vegetative controls.** (1) A buffer strip of vegetation at least as wide as the stream shall be left along the stream bank whenever possible. On streams less than fifteen (15) feet wide, the buffer zone shall extend at least fifteen (15) feet back from the water's edge.

(2) Vegetative ground cover shall not be destroyed, removed, or disturbed more than fifteen (15) calendar days prior to grading.

(3) Temporary soil stabilization with appropriate annual vegetation shall be applied on areas that will remain unfinished for more than thirty (30) calendar days.

(4) Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading. (Ord. #12-01, July 2001)

**14-505. Structural controls.** (1) Staked and entrenched straw bales and/or silt fence must be installed along the base of all fills and cuts, on the downhill sides of stockpiled soil, along stream banks in cleared areas to prevent erosion into streams. Straw bales and/or silt fence may be removed at the beginning of the workday, but must be replaced at the end of the workday.

(2) All surface water flowing toward the construction area shall be diverted around the construction area to reduce its erosion potential, using dikes, berms, channels, or sediment traps, as necessary. Temporary diversion channels must be lined to be expected high water level and protected by non-erodible material to minimize erosion. Clean rock, log, sandbag or straw bale check dams shall be properly constructed to detain runoff and trap sediment.

(3) Sediment basins and traps shall be properly designed according to the size of disturbed or drainage areas. Water must be held in sediment basins until at least as clear as upstream water before it is discharged to surface waters. Water must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation.

(4) Streams shall not be used as transportation routes for equipment. Crossings must be limited to one point. A stabilized pad of clean and properly sized shot rock must be used at the crossing point.

(5) All rocks shall be clean, hard rocks containing no sand, dust, or organic materials. (Ord. #12-01, July 2001)

**14-506. Grading permit and fee.** A grading permit shall be obtained for such activities, and a fee paid as established by resolution of the Piperton Board of Mayor and Commissioners. (Ord. #12-01, July 2001)