

ORDINANCE NO. 06-2962

AN ORDINANCE OF THE CITY COUNCIL OF LEBANON TO CLARIFY THE REQUIREMENTS INVOLVING ONE (1) HOUR FIREWALL CONSTRUCTION FOR BUILDINGS APPROVED BY THE LEBANON PLANNING COMMISSION

WHEREAS, the Lebanon Planning Commission has approved the construction of Planned Unit Development (PUD) projects allowing buildings to be constructed with a minimum of five (5) foot setback on the side yards; and

WHEREAS, the installation and construction of buildings on lots with five (5) foot setback requirements presently requires the construction of one (1) hour firewall on the side of such buildings; and

WHEREAS, it is important to the health, safety and welfare of the citizens of Lebanon that the required one (1) hour firewall conditions stated in the ordinances and plans for said projects be constructed in a manner which assures the one (1) hour firewall standard and integrity is met; and

WHEREAS, to maintain the integrity of a one (1) hour firewall requirement for PUD projects, it is necessary to clarify and establish that any openings (doors and/or windows) in the required one (1) hour firewall(s) being constructed to allow the five (5) foot setbacks shall clearly meet the standards and integrity required for a one (1) hour firewall.

NOW, THEREFORE, BE IT ORDAINED by the City of Lebanon, Tennessee, as follows:

Section 1. Except as otherwise noted herein, notwithstanding any other provisions of the Lebanon Municipal Code to the contrary, any and all new one (1) hour firewall installations in the City of Lebanon, including but not limited to those buildings and installations on lots allowing a five (5) foot side yard setback shall be constructed such that any openings (doors and/or windows) in the firewall(s) shall be constructed with materials that fully allow the integrity of the one (1) hour firewall standard to be met, including the use of windows and/or doors which are fully rated for one (1) hour firewall standard.

Section 2. Any buildings or houses constructed on lots with a five (5) foot side yard setback requirement, which have been approved prior to September 1, 2006, with the requirement of a one (1) hour firewall along the five (5) foot side yard setback area, shall not be approved for occupancy unless the one (1) hour firewall requirement is fully met as stated herein.

Section 3. However; if the distance between buildings (eave to eave) is twenty (20) feet or greater, there are no one (1) hour rated firewall requirements or sprinkler systems required.

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Section 4. Furthermore, any buildings constructed closer than twenty (20) feet between buildings (eave to eave) may have side walls, windows and/or doors not rated for one (1) hour fire protection as allowed by the building code, so long as the building has a sprinkler system as approved under the Lebanon Code, including NFPA 13 R.

Section 5. Upon final passage of this ordinance, the Planning Department shall publish this Ordinance and shall mail a copy of this Ordinance to all parties who have been approved or have made application for approval of plans involving five (5) foot setbacks on the side yards, and to all known new home construction organizations.

Section 6. Notice of Public Hearing was published in the "Wilson Post" on August 11, 2006. A Public Hearing was held at 5:55 p.m. in the City Council Chambers on September 5, 2006.

Section 7. This ordinance shall take effect immediately upon passage, the public welfare requiring the same.


Attest:


Commissioner of Finance & Revenue

Approved:


Mayor

Approved as to form:


City Attorney

Passed first reading: 8/01/06

Passed second reading: 9/05/06

Cost of Publication

\$ 33.20

Proof of Publication

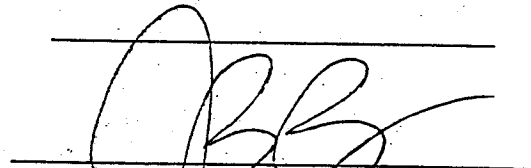
STATE OF TENNESSEE
County of Wilson

Personally appeared before me,

Tabitha Holland

A Notary Public of Wilson County,
Tennessee, JOHN B. BRYAN, who
being first duly sworn, made oath that
he is Publisher of The Wilson Post,
a newspaper, and that the hereto
attached publication appeared in the
same on the following dates:

Aug. 11th, 2006



John B. Bryan

Subscribed and sworn to before me on
the date of:

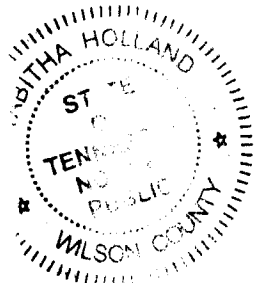
Aug. 22nd, 2006

Tabitha Holland
Notary Public, Tabitha Holland

My commission expires
August 25, 2009

PUBLIC NOTICE

In reference to Ordinance No. 06-2962 and Ordinance No. 06-2963, notice is hereby given that the Mayor and City Council of the City of Lebanon, Tennessee, will hold a public hearing at 5:55 p.m. on September 5, 2006 in the Council Chambers for the purpose of discussing and hearing comments from the citizens on the proposed clarification of the requirements involving one hour firewall construction for buildings approved by the Lebanon Planning Commission, and the proposed minimum side yard setback for plans and/or projects approved by the Lebanon Planning Commission.



LAW OFFICE OF
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July 20, 2006

Mr. Andy Wright
City Attorney
200 Castle Height Avenue North
Lebanon, TN 37087

SENT VIA FACSIMILE AND
UNITED STATES MAIL

Re: **Ordinances**

Dear Andy:

Please find enclosed the following:

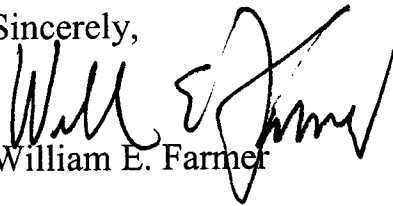
- (1) An Ordinance To Clarify The Requirements Involving
One (1) Hour Firewall Construction For Buildings Approved
By The Lebanon Planning Commission; and
- (2) An Ordinance To Clarify The Requirements Of Minimum
Side Yard Setback For Plans And/Or Projects Approved
By The Lebanon Planning Commission.

Please enter these on the agenda for the next Lebanon City Council meeting
scheduled for Tuesday, August 1, 2006.

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If you have any questions, do not hesitate to contact my office.

Sincerely,



William E. Farmer

WEF/kjc

cc: Mayor Don Fox (w/encl.)
Commissioner Hal Bittinger (w/encl.)
Councilperson Alex Buhler (w/encl.)
Councilperson Kevin Huddleston (w/encl.)
Councilperson Joe Hayes (w/encl.)
Councilperson Haywood Barry (w/encl.)
Councilperson Kathy Warmath (w/encl.)

Enclosures

c:/city/wright072006