

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

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

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, *et seq.*, there is hereby created the Town of Chapel Hill Planning Commission ("commission"). The commission shall consist of five (5) members; two (2) of these shall be the mayor and an alderman, whose terms shall be concurrent with his or her terms of office, three (3) members shall be appointed by the mayor for terms of three (3) calendar years. All members of the commission shall serve without compensation. Appointed members shall serve at the pleasure of the mayor who has authority to remove an appointed member and fill a vacancy for the unexpired term. (2005 Code, § 14-101)

14-102. Organization, powers, duties, etc. The commission shall be organized and shall carry out its powers, functions, and duties in accordance with *Tennessee Code Annotated*, title 13. (2005 Code, § 14-102)

CHAPTER 2**ZONING ORDINANCE****SECTION**

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

14-202. Violations and penalty.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Chapel Hill shall be governed by Ordinance #94-4, titled "Zoning Ordinance, Chapel Hill, Tennessee," and any amendments thereto.¹ (2005 Code, § 14-201)

14-202. Violations and penalty. Any violation of the zoning ordinance shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense. (2005 Code, § 14-202)

¹Ord. #94-4, 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.

CHAPTER 3

FLOOD DAMAGE PREVENTION

SECTION

- 14-301. Findings of fact, purpose and objectives.
- 14-302. Definitions.
- 14-303. General provisions.
- 14-304. Administration.
- 14-305. Variance and appeal procedures.
- 14-306. General standards for flood hazard reduction.
- 14-307. Specific standards for flood hazard reduction.
- 14-308. Standards for streams without established base flood elevations and/or floodways.
- 14-309. Other standards.
- 14-310. Guidelines and forms.

14-301. Findings of fact, purpose and objectives. (1) Findings of fact. (a) The flood hazard areas of the Town of Chapel Hill, Tennessee ("town") subject to periodic inundation which may result in loss of life, personal injury, loss of property, disrupt commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the town's tax base, all of which adversely affect public health, safety and general welfare and eliminate or minimize health, safety and general welfare and eliminate or minimize health and safety hazards.

(b) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities, and by the occupancy of land and buildings in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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

(a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in increases in erosion or in flood heights or velocities;

(b) Require that uses vulnerable to floods, including facilities which serve such uses 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 flood waters;

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

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

(3) **Objectives.** The objectives of this chapter are:

(a) To protect human life and health;

(b) To minimize expenditure of public money 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 floodplains;

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

(g) To ensure that potential home buyers are notified that property is in a flood area. (2005 Code, § 14-301)

14-302. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Appeal" means a request for a review of the building inspector's interpretation of any provision of this chapter or a request for a variance.

(2) "Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. When requested by the building inspector, the developer shall, at his expense, provide the building inspector a certification of explanation by a Tennessee registered land surveyor or licensed professional engineer.

(3) "Area of special flood hazard" is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

(4) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(5) "Basement" means that portion of a building between floor and ceiling, which may be wholly or partly below grade level; the lowest habitable story or level.

(6) "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 the supporting foundation system.

(7) "Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

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

(9) "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is or to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

(10) "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 waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(11) "Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas having special hazard have been defined as Zone A.

(12) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(13) "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the flood boundary floodway map and the water surface elevation of the base flood.

(14) "Floodway" means the channel of a river, creek, 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 (1').

(15) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab or top of wood flooring. The term does not include the floor of a garage used solely for parking vehicles, but does include the inside bottom surface of any room.

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

(17) "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 chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(18) "Mobile home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. A manufactured or modular home is a "mobile home." It does not include recreational vehicles or travel trailers.

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

(20) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this chapter.

(21) "New mobile home park or mobile home subdivision" means a parcel or contiguous parcels of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this chapter.

(22) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual "start" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation or filling. Permanent construction does not 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 or intended to be occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "actual start" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, the "actual start" means the affixing by tie-downs the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, the "actual start" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed, including at a minimum the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities is completed.

(23) "Structure" means a walled and roofed building that is principally above ground, a mobile home, a gas or liquid building that is principally above ground, a storage tank, or other man-made facilities or infrastructures.

(24) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either:

- (a) Before the improvement or repair is started; or
- (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state and local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(25) "Variance" is a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship. (2005 Code, § 14-302)

14-303. General provisions. (1) Lands to which this chapter applies. This chapter shall apply to all areas of floods, flooding or special flood hazard within the jurisdiction of the town.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the federal emergency management agency and its flood insurance rate map of the town, dated February 2022, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this chapter.

(3) Establishment of development permit. A development permit shall be required in conformance with the provisions of this chapter prior to any development activities. A development permit may be incorporated in and become part of a building permit.

(4) Compliance. No structure or land 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 and another municipal code section conflict or overlap, 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 town; and

(c) Deemed neither to limit nor repeal any other powers granted under state 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 flood or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(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 or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall be, upon conviction thereof, punished in accordance with the general penalty provisions of this code of ordinances. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation. (2005 Code, § 14-303, modified)

14-304. Administration. (1) Designation of building inspector as local administrator. The building inspector is hereby appointed to administer and implement the provisions of this chapter.

(2) Permit procedures. Application for a building permit shall be made to the building inspector on forms furnished by the building inspector prior to any development activities; and may include, but not be 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, fill, excavating, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the applicant shall provide the following information:

(a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

(c) Certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in § 14-307;

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

(e) Provide a floor elevation or floodproofing certification after the lowest floor is completed. Within twenty-one (21) calendar days of

establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(f) Applicant's, after diligent and reasonable inquiry, certification that proposed structure, excavation and/or fill completed will not increase the volume of surface water run-off on adjacent property. The building inspector may require the applicant submit, at applicant's expense, certification by a registered land surveyor or professional engineer that surface water run-off will not increase volume of surface water run-off on adjacent property when work is completed.

(3) Duties and responsibilities of the building inspector. 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 chapter have been satisfied.

(b) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are required that copies of such permits be provided by the permittee and maintained on file with the building permit.

(c) Require the permittee to notify adjacent communities and the local planning office of economic and community development or other state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency and the building inspector.

(d) Require permittee to properly maintain within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Require the permittee to submit written verification and records of the actual elevation (in relation to mean sea level) of the lowest

floor (including basement) of all new or substantially improved structures, in accordance with this section.

(f) Require the permittee to submit written verification and records of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with this section.

(g) The building inspector shall obtain certification from a registered professional engineer or architect at permittee's expense, that floodproofing of a structure is complete and satisfactory meets this chapter and all local and federal codes.

(h) 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) the inspector may require the applicant and/or permittee, at their expense, furnish sufficient information to building inspector to assist, with other available information, the building inspector make the necessary interpretation. The person contesting the location of the boundary shall be given opportunity to appeal the building inspector's interpretation as provided in §§ 14-305--14-307, hereof. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

(i) When base flood elevation data has not been provided in accordance with § 14-303, then the building inspector shall require the permittee to provide for review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of § 14-306 through § 14-309. All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection. (2005 Code, § 14-304)

14-305. Variance and appeal procedures. (1) The town's board of zoning appeals ("board of appeals") is the designated board to hear and decide appeals and requests for variances from the requirements of this chapter.

(2) The board of appeals shall hear and decide when it is alleged there is an error in any requirement, decision, or determination made by the building inspector in the enforcement or administration of this chapter.

(3) Any person aggrieved by the decision of the appeals board or any taxpayer may appeal such decision to the appropriate court as provided in *Tennessee Code Annotated*.

(4) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(5) In passing upon appeals and variances, the board of appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (a) The danger that materials may be swept onto other property to the injury of others;
- (b) The danger to life and property due to flooding or erosion;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The volume of surface water run-off on adjoining property;
- (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) 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
- (k) 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.

(6) Upon consideration of the factors listed above, and the purposes of this chapter, the board of appeals decides the appeal and/or may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this chapter.

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

(8) Conditions for variances. (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(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 difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(d) The board of appeals may request from and the applicant shall furnish to the board of appeals, at the applicant's expense, all information deemed necessary by the board of appeals for the board of appeals to make its decision; and

(e) The building inspector shall maintain the records of the board of appeals and report any variances to the Federal Emergency Management Agency upon request. (2005 Code, § 14-305)

14-306. General standards for flood hazard reduction. General standards. In all areas of special flood hazard the following provisions are required:

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

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

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

(5) 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;

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

(7) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter. (2005 Code, § 14-306)

14-307. Specific standards for flood hazard reduction. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in § 14-303 or § 14-304, the following provisions are required:

(1) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

(2) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall

have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in A-zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are water-tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building inspector as set forth in § 14-304.

(3) Mobile homes. (a) No mobile home shall be placed in an area prone to flood, floodway or flood hazard area, except in an existing mobile home park or existing mobile home subdivision. All existing mobile home parks or subdivisions which suffer damage, requiring the repair, reconstruction or improvement of streets, utilities, and pads that equal or exceed fifty percent (50%) of the value of such facilities prior to damage, shall require that all new or replacement mobile homes meet the requirements of (3)(c) below.

(b) All mobile homes shall be anchored to resist 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) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement has commenced; and, for mobile homes not placed in a mobile home park or subdivision require:

(i) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will not be less than two feet (2') above the base flood level;

(ii) Adequate surface drainage and access for a hauler are provided; and

(iii) In the instance of elevation on pilings:

(A) Lots are large enough to permit steps;

(B) Pilings foundations are placed in stable soil no more than ten feet (10') apart; and

(C) Reinforcement is provided for pilings more than six feet (6') above the ground level.

(4) Floodways. Located in areas of special flood hazard established in § 14-303 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, excavation, new construction, substantial improvements and other developments unless

certification (with supporting technical data) by a registered professional engineer is provided to the building inspector demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(b) If subsection (4)(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 14-306--14-309.

(c) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision. (2005 Code, § 14-307)

14-308. Standards for streams without established base flood elevations and/or floodways. Located within the areas of special flood hazard established in § 14-303 where small streams exist but where no base flood data has been provided or where no floodway has been provided, the following provisions apply:

(1) No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of bank or twenty feet (20') each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) New construction or substantial improvements of structures shall be elevated or floodproofed in accordance with elevations established in accordance with § 14-304. (2005 Code, § 14-308)

14-309. Other standards. (1) Subdivision proposals shall meet all requirements of the town planning commission and its subdivision regulations, including the following criteria:

(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 flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards and surface water run-off to adjoining properties; and

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

(2) **Standards for areas of shallow flooding (AO Zones).** Located within the areas of special flood hazard established in § 14-303 are areas designated as shallow flooding. 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 apply:

(a) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (2') above the highest adjacent grade.

(b) All new construction and substantial improvements of non-residential structures shall:

(i) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent floor, including basement, shall be elevated at least two feet (2') above the highest adjacent grade; or

(ii) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (2005 Code, § 14-309)

14-310. Guidelines and forms. (1) The building inspector, with the town administrator's consent, shall develop guidelines for applicants, permittees, surveyors, and/or engineers to assist them in complying with the provisions of this chapter.

(2) The building inspector shall prepare the form for the application for a building permit and the form of the building permit shall be consistent with the provisions of other state and town requirements and this chapter.

(3) This chapter shall not be construed to require a property owner to apply for a permit only to excavate or fill on their property, unless such work meets the definitions of "new construction" or "substantial improvement" under this section. (2005 Code, § 14-310)

CHAPTER 4

SIGNAGE

SECTION

- 14-401. General provisions.
- 14-402. Commercial signs.
- 14-403. Prohibited signs.
- 14-404. Signs not requiring a permit.
- 14-405. Definitions.

14-401. General provisions. The following provisions shall apply to all signs.

(1) Construction standards. All signs shall be constructed and installed in accordance with the applicable provisions of the *Tennessee State Building Code*.

(2) Electrical standards. All illuminated signs shall be installed in accordance with the applicable provisions of the *Tennessee State Electrical Code* and all detached signs shall be so illuminated by an underground electrical source. Internally-lit signs, except that of 3-D letter, shall be discouraged.

(a) Ground signs and monument signs are not to be internally lit. If the owner requires illumination, then those signs shall externally lit.

(b) Exterior flood lights shall not be of excessive luminosity as determined by the building codes enforcement officer, nor shall this outdoor floodlighting project above, over, or around the sign it's intended to illuminate.

(3) Maintenance of signs. All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance. Signs that are not maintained to these standards shall be considered abandoned signs.

(a) Blank signs, empty sign frames or signs with no content shall be considered abandoned signs as well.

(b) Signs that do not correspond to the actual business taking place on a lot of land because of neglect, shall also be considered an abandoned sign in addition to off-premises advertising.

(c) Abandoned signs must be removed by the owner upon two (2) weeks of being notified by the codes enforcement officer.

(4) Content. Commercial signage is typically relegated to commercial language, but not always. Non-commercial language is also permissible. A physical address of the property being advertised is permitted, along with a phone number for the business or principal. (Ord. #2019-01, ___ _____)

14-402. Commercial signs. The preferred commercial sign by the Town of Chapel Hill is ground and monument signs.

(1) Commercial properties allowances for monument (ground) signs.

Property Frontage	Maximum Area	Maximum Height	Maximum Width
Less than 150 feet	25	6	12
150-299 feet	55 or 0.33 per lineal feet of frontage, whichever is less	8	16
300 feet or more (there shall be consideration given for two signs)	65 or 0.33 per lineal feet of frontage, whichever is less	Individual case basis	Individual case basis

(2) Large commercial retail centers = five (5) acres or more, pole signs.

Property Frontage	Maximum Area	Maximum Height	Maximum Width
Up to 299 feet	150 or 0.5 per lineal feet of frontage, whichever is less	20	15
300 feet or more	65 or 0.33 per lineal feet of frontage, whichever is less	25	20

(3) Number of signs.

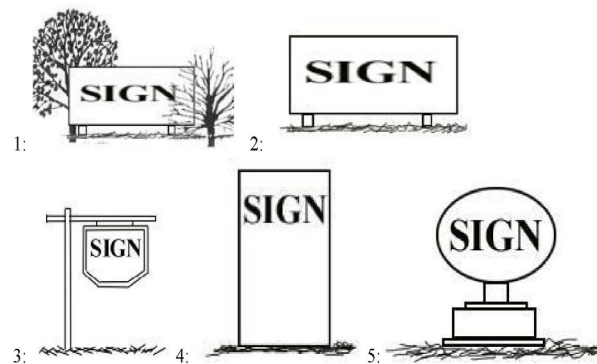
Street Frontage	Maximum number of signs
Up to 599 feet	1
600 feet or more	2 (plus an additional sign for each 300' of frontage)

(4) Monument sign plan submittal requirements.

(a) Required plans: The following plans must be submitted in an accurate and scaled form with appropriate dimensions clearly indicated. Approximated plans using aerial photographs are discouraged.

(b) Site plan: Entire view of the parcel including line of sight triangles, ultimate right-of-way, length of street frontage, and proposed location of monument sign.

- (c) Sign elevation: Elevation view including sign height, sign width, base height, and individual letter height).
 - (d) Construction details: Building/safety related construction information. Contact the building division for additional information.
 - (e) Material/color specifications: Details of colors, types of material and opaque/translucent surfaces.
 - (f) Additional pictures: Additional pictures indicating before/after conditions, if applicable.
- (5) Examples of the five (5) acceptable monument sign styles.



- (6) Sample sign elevation with essential information for town review.



(Ord. #2019-01, ___ _____)

14-403. Prohibited signs. The following signs are prohibited under any circumstance:

- (1) Signs extending into the public right-of-way other than those permanent signs approved and installed by the town or the Tennessee Department of Transportation are prohibited. This does not apply to

pre-approved decorative signs. Nor does this item apply to on-premises, planned development identification signs.

- (2) Roof signs.
- (3) Portable signs of any kind, unless otherwise noted with specific exceptions in this chapter.
- (4) Flashing, pulsating, fluttering, swinging, or rotating signs other than time and/or temperature signs. This does not pertain to electronic signage that changes its content every_ minute/seconds. Transitions from one (1) piece of content to the other shall be from any visual effects.
- (5) Signs that are similar in color, design, and appearance to traffic control signs.
- (6) Off-premises signs other than those permitted in § _____.
- (7) Nonconforming signs, except as permitted in _____ of these regulations.
- (8) Other signs not expressly allowed by these regulations.
- (9) Abandoned signs.
- (10) Illegal, nonconforming signs. (Ord. #2019-01, ___ _____)

14-404. Signs not requiring a permit. The following types of signs are exempted from permit requirements and allowed in all zones, but shall be in conformance with all other requirements of these regulations.

- (1) Memorial signs, plaques, or grave markers that are noncommercial in nature.
- (2) Public interest signs.
- (3) On premises directional and instructional signs not exceeding six (6) square feet in area, unless such sign is a monument sign in which case it shall not exceed nine (9) square feet.
- (4) Identification signs not exceeding one percent (1%) square feet in area, that indicates the name/address of the occupant.
- (5) Window signs with a total copy area not exceeding fifty percent (50%) of the window or glass door onto which the sign(s) are located, except in residential districts, limited to one (1) non-illuminated sign per building not exceeding one percent (1%) square feet in area.
- (6) Incidental signs. Drive-in service window/menu board signs shall not be oriented as to be read or readily observed by people in the public right-of-way. Such signs shall not exceed thirty-two (32) square feet in size.
- (7) Campaign or election signs provided:
 - (a) Individual signs shall not exceed sixteen (16) square feet in area;
 - (b) All signs shall be removed within seven (7) days after the pertinent election;
 - (c) Property owners shall be held responsible for violations; and
 - (d) No signs shall be permitted in the public right-of-way.

(8) Real estate signs other than temporary planned development signs, provided:

(a) Signs advertising individual single family lots and duplexes under three (3) acres in size or individual units within attached housing shall not exceed six (6) square feet. Rider signs not exceeding a total of two (2) square feet in sign face area shall be permitted in addition to the six (6) square feet;

(b) Signs advertising all other uses shall not exceed one (1) square foot for every five (5) linear feet of frontage of the advertised property, up to a maximum of sixty-four (64) square feet in sign face area;

(c) Only one (1) sign per street front of the advertised property shall be erected;

(d) Properties having a continuous frontage in excess of one thousand (1,000) linear feet may be allowed an additional sign so long as such sign is no closer than one thousand feet (1,000') from another real estate sign on the property;

(e) Signs shall not be illuminated; and

(f) Signs shall be removed within seven (7) days after the sale is closed or, rent or lease transaction is finalized.

(9) Construction signs, other than temporary project development signs provided:

(a) Signs located on single family lots or duplex lots shall not exceed six (6) square feet in area. Rider signs not exceeding two (2) square feet in area shall be permitted in addition to the six (6) square feet;

(b) Signs for all other uses shall not exceed one (1) square foot for every five (5) linear feet of frontage of property under construction, up to a maximum of sixty-four (64) square feet in sign area;

(c) Signs are confined to the site of construction;

(d) Only one (1) sign per street front of the property under construction shall be erected;

(e) Signs shall not be illuminated; and

(f) Signs shall be removed within seven (7) days after the completion of a project.

(10) Temporary farm products signs provided:

(a) Signs are located on the premises where the products are sold in conjunction with a permitted farm use in that district;

(b) Signs shall not exceed thirty-two (32) square feet in area;

(c) Only one (1) sign shall be erected; and

(d) Signs shall be removed within seven (7) days of the termination of sale activities.

(11) On-premises, temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, provided:

(a) No more than one (1) sign per street front shall be permitted per event;

(b) Signs shall be located on the property on which the event will occur; and

(c) Signs shall be erected no sooner than fourteen (14) days before and removed seven (7) days after the event.

(12) Temporary banners in non-residential districts, provided:

(a) Only one (1) banner per establishment shall be allowed at a time;

(b) All banners shall be attached in total to a building wall or permanent canopy extending from a building;

(c) No paper banners shall be allowed;

(d) Banners shall be erected for a period not to exceed two (2) weeks;

(e) No more than six (6) such signs per establishment shall be erected within a calendar year; and

(f) No banner shall extend above the second floor level of a building or forty-five feet (45') above grade; whichever is less.

(13) LED signage regulations. LED signs shall have a maximum luminance of .03 footcandles above ambient light, which is below the TS4 Lighting standard of the National Electrical Manufacturer's Association (NEMA).

All LED signs shall have an ambient light sensor and dimming software that dims the luminance based on the readings of the ambient light sensor.

Measuring the brightness of an LED sign:

STEP 1: All LED luminance shall be measured with footcandle meter at distance from the sign based on the table below. All non-standard signs shall use a distances extrapolated by the codes enforcement officer based on the date below. The codes enforcer will be standing at the midpoint of the signage.

Billboard Signage Face	Distance in Feet
11 x 22	150
10.5 x 36	200
14 x 48	250
20 x 60	350

STEP 2: While standing in the spot determined by Step 1, the codes officer shall create a base line of the ambient light, while working at night, by blocking out all luminance of the LED sign with black, opaque, rectangular piece of material (approximately twelve inches by

forty-eight inches (12" x 48")) that is strategically positioned roughly six to eight feet (6-8') away from the footcandle meter. This measurement should not be picking up any of the direct luminance from the sign whatsoever.

STEP 3: A second measurement of light from the sign shall be measured from the exact same spot as determined in Step 1, but this time the rectangular-shaped "sign-blocking device" shall not be used, AND the sign manufacturer or operator shall put the sign on maximum "white."

STEP 4: If the difference between the baseline luminance and the subsequent luminance reading is 0.3 footcandles or less, then the billboard luminance is in compliance with this section of the Chapel Hill signage ordinance. (Ord. #2019-01, ___ _____)

14-405. Definitions. (1) "Abandoned sign." A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least sixty (60) days or, in the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding sixty (60) days. Such abandonment should include intentional conduct, such as failure to pay taxes or permit fees, or to maintain the sign, or a negligent failure to do so.

(2) "Animated sign." A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

(3) "Awning sign." A building mounted sign that provides additional functionality as shelter made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

(4) "Banner." A sign made of fabric or other non-rigid material with no enclosing framework.

(5) "Bulletin board." A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

(6) "Candela." A unit of measurement of the intensity of light. An ordinary wax candle flame generates approximately one (1) candela.

(7) "Canopy." A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

(8) "Changeable-copy sign." A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic

means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

(9) "Channel letter." A fabricated or formed three (3) dimensional letter that may accommodate a light source.

(10) "Complying sign." A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

(11) "Cone of vision." The area that is clearly visible to a driver, generally described as a "fan-shaped envelope" preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver.

(12) "Conspicuity." The capacity of a sign to stand out or be distinguishable from its surroundings and thus be readily discovered by the eye. It is the noticeable contrast between a sign and its background, attributed to an exogenous (unplanned) or endogenous (planned) mindset, with the display having features that attract attention to the sign.

(13) "Content." The words and/or message displayed on a sign (a.k.a. "copy").

(14) "Content area." That area which displays the actual copy on a sign (a.k.a. "copy area").

(15) "Contrast." The difference or degree of difference in the appearance of adjacent surfaces, such as light and dark areas, different colors, or typefaces, and graphics appearing on various backgrounds.

(16) "Development sign." A temporary construction sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.

(17) "Directional sign." Signs designed to provide direction to pedestrian and vehicular traffic.

"Dissolve/appear." A mode of message transition on an electronic message center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

(18) "Electronic message display." A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

(19) "Event sign." A temporary sign, other than a commercial sign, posted to advertise an event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization.

(20) "Fade/appear." A mode of message transition on an electronic message center accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(21) "Fascia sign." A building mounted sign.

(22) "Footcandle." A unit of illuminance or illumination equivalent to the illumination produced by a source of one (1) candle at the distance of one foot (1') and equal to one (1) lumen incident per square foot; abbreviation is FC3.

(23) "Freestanding sign." A sign that is not attached to a building.

(24) "Government sign." Any temporary or permanent sign erected and maintained for any governmental purposes.

(25) "Ground sign." A freestanding sign with a visible support structure.

(26) "Inflatable device." A sign that is a cold air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device. "Inflatable devices" are restrained, attached, or held in place by a cord, rope, cable or similar method.

(27) "Illuminated sign." A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

(28) "Internally illuminated sign." A sign that has the light source enclosed within it so the source is not visible to the eye.

(29) "Legibility." The physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which directly relate to an observer's visual acuity.

(30) "Luminance." An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²), or footcandles.

(31) "Marquee sign." A sign mounted on a permanent canopy.

(32) "Monument sign." A monolithic sign in which the bottom of the sign is flush with the ground and the horizontal dimension of the sign is greater than the vertical dimension.

(33) "Multi-tenant sign." A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

(34) "Municipality." The body of officers, taken collectively, belonging to the Town of Chapel Hill, Tennessee who are appointed to manage its affairs and defend its interests.

(35) "Nit." A unit measure of luminance or brightness equal to one (1) candela per square meter, measured perpendicular to the rays of the source.

(36) "Noncomplying sign." A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.

(37) "Off-premises sign." An outdoor sign whose message directs attention to a specific business, product, service, entertainment event or activity, or other commercial or noncommercial activity, or non-commercial message about something that is not sold, produced, manufactured, furnished,

or conducted at the property upon which the sign is located. Also known as a third party sign, billboard, or outdoor advertising.

(38) "On-premises sign." A sign whose message and design relates to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity sold, offered, or conducted on the same property where the sign is located.

(39) "Organization." An entity, including a natural person, which owns or operates the premises where an on-premises sign is displayed.

(40) "Parapet." The portion of a building wall or false front that extends above the roofline.

(41) "Pennant." A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

(42) "Permanent sign." A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

(43) "Pole sign." A freestanding sign with visible support structure.

(44) "Primary copy." The words or message on a sign meant to be read by passers-by traveling at the posted speed limit.

(45) "Projecting sign." A building mounted sign with the faces of the sign projecting twelve inches (12") or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.

(46) "Pylon sign." A freestanding sign with a visible support structure, which may or may not be enclosed by a pole cover.

(47) "Readability." That which enables the observer to correctly perceive that information content of letters, numbers or symbols grouped together in words, sentences, or other meaningful relationships on the sign. Readability is the character of a sign which leads to the observer's comprehension of its intended message, and depends on legibility and other considerations of contents and time restraints.

(48) "Real estate sign." A temporary sign advertising the real property upon which the sign is located for rent, for lease, or for sale and providing the name and location of the owner or his agent.

(49) "Roofline." The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

(50) "Roof sign." A building-mounted sign erected upon, against, or over the roof of the building.

(51) "Rotating sign." Sign faces or portions of a sign face which mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights which convey an appearance of rotation.

(52) "Scroll." A mode of message transition on an electronic message center where the message appears to move vertically across the display surface.

(53) "Secondary copy." The words or messages on a sign which are meant to be read by automobiles that are idling or parked along a road way.

(54) "Sign." Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and uses for the purpose of communicating a message or attracting attention.

(55) "Sign height." The distance measured from the highest point of a sign to the base of the sign at the ground.

(56) "Signage." A community's inventory of signs used to communicate information or attract attention, including signature building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs.

(57) "Snipe sign." A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

(58) "Temporary sign." Any sign intended to remain in use for a short period of time which is not permanently installed.

(59) "Transition." A visual effect used on an electronic message center to allow one (1) message to disappear while it is simultaneously being replaced by another.

(60) "Usable wall area." The exterior wall or surface area of a building or structure that excludes doors and windows.

(61) "Visibility." The physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain.

(62) "Wall sign." A building-mounted sign which is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than sixteen inches (16") from such surface (see "fascia sign)."

(63) "Window sign." Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior (or interior if visible from exterior) of such building. (Ord. #2019-01, ___ _____)