

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

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. MOBILE HOMES (TRAILERS).
4. LANDSCAPE ORDINANCE.
5. FLOOD DAMAGE PREVENTION ORDINANCE.
6. SIGN REGULATIONS.

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

- 14-101. Creation and membership.  
14-102. Organization, powers, duties, etc.  
14-103. Additional powers.

**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 board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. 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 board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (1989 Code, § 14-101)

**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. (1989 Code, § 14-102)

**14-103. Additional powers.**<sup>1</sup> Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of, the state law relating to regional planning commissions. (1989 Code, § 14-103)

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<sup>1</sup>To make this section effective the municipality should request the State Planning Office, under authority granted by Tennessee Code Annotated, § 13-3-102 to designate the municipal planning commission as a regional planning commission.

**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 Town of Monteagle shall be governed by Ordinance Number 55, titled "Zoning Ordinance, Monteagle, Tennessee," and any amendments thereto.<sup>1</sup> (1989 Code, § 14-201)

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<sup>1</sup>Ordinance No. 55, and any amendments thereto, are published as separate documents and are of record in the office of the town recorder and are saved from repeal by the adopting ordinance of this code of ordinances.

## CHAPTER 3

### MOBILE HOMES (TRAILERS)

#### SECTION

- 14-301. Definitions.
- 14-302. Location of mobile homes.
- 14-303. Previous mobile homes "grandfathered."
- 14-304. State tax sticker required.
- 14-305. Permit for mobile home park.
- 14-306. Inspections by town building inspector.
- 14-307. Location and planning.
- 14-308. Minimum size of mobile home park.
- 14-309. Minimum number of spaces.
- 14-310. Minimum mobile home space and spacing of mobile homes.
- 14-311. Water supply.
- 14-312. Sewage disposal.
- 14-313. Refuse.
- 14-314. Electricity.
- 14-315. Streets.
- 14-316. Parking spaces.
- 14-317. Buffer strip.
- 14-318. License for mobile home parks.
- 14-319. License for individual mobile homes.
- 14-320. License fees for mobile home parks.
- 14-321. License fees for individual mobile homes.
- 14-322. Application for license.
- 14-323. Enforcement.
- 14-324. Board of appeals.
- 14-325. Appeals from board of appeals.
- 14-326. Violation and penalty.

**14-301. Definitions.** (1) "Health officer." The director of a town, county or district health department having jurisdiction over the community health in a specific area, or his duly authorized representative.

(2) "Mobile home" a detached single family dwelling unit with any or 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 to be transported after fabrication on its own wheels, or on a flatbed or other trailers 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, connection to utilities and the like.

(3) "Mobile home park (trailer court)." The term home park shall mean any plot of ground within the Town of Monteagle on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located.

(4) "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.

(5) "Permit license." The permit required for trailer parks and single mobile homes. Fees charged under the license requirement are for inspection and the administration of this chapter. (1989 Code, § 14-301)

**14-302. Location of mobile homes.** It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of said town where said mobile home is outside of any designated and licensed mobile home park after June 28, 1980. (1989 Code, § 14-302)

**14-303. Previous mobile homes "grandfathered."** The owner or occupant of any mobile home already placed on a lot on or before June 28, 1980 will be permitted to reside at the present location. However, if at any time the ownership or occupancy of either the lot or mobile home shall change or if said mobile home is moved from its present location, said mobile home owner shall be given a period not to exceed thirty (30) days in which to remove said mobile home and to comply with all provisions of this chapter. (1989 Code, § 14-303)

**14-304. State tax sticker required.** No mobile home shall be used, placed, stored or serviced by utilities within any mobile home park in said town unless there is posted near the door of said mobile home a valid Tennessee State Tax Sticker. (1989 Code, § 14-304)

**14-305. Permit for mobile home park.** No place or site within said town shall be established or maintained by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the town builder inspector in the names of such person or persons for the specific mobile home park. The town building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter. (1989 Code, § 14-305)

**14-306. Inspections by town building inspector.** The town 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 town building inspector shall have the power to enter at

reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1989 Code, § 14-306)

**14-307. 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 town planning commission and town building inspector. The town planning commission and building inspector may promulgate regulations for mobile home park location and plan approval, which shall provide for adequate space, lighting, drainage, sanitary facilities, safety features, and service buildings as may be necessary to protect the public health, prevent nuisances, and provide for other convenience and welfare of the mobile home park occupants. (1989 Code, § 14-307)

**14-308. 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 plat so dimensioned and related as to facilitate efficient design and management. (1989 Code, § 14-308)

**14-309. Minimum number of spaces.** Minimum number of spaces completed and ready for occupancy before first occupancy is ten (10). (1989 Code, § 14-309)

**14-310. 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 feet (15') of open space between mobile homes or any attachment such as a garage or porch<sup>1</sup>, and at least ten feet (10') end to end spacing between trailers and any building or structure, twenty feet (20') between any trailer and property line and twenty-five feet (25') from the right-of-way of any public street or highway.

The individual plot sizes for mobile home spaces shall be determined as follows:

(1) Minimum lot area of two thousand four hundred (2,400) square feet;

(2) Minimum depth with end parking of an automobile shall be equal to the length of the mobile home plus thirty feet (30');

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<sup>1</sup>If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile homes spaces shall be made wider to accommodate such construction in order to maintain the required fifteen feet (15') of open space.

(3) Minimum depth with side or street parking shall be equal to the length of mobile home plus fifteen feet (15'); and

(4) In no case shall the minimum width be less than forty (40) feet and the minimum depth less than sixty (60) feet. (1989 Code, § 14-310)

**14-311. 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 express approval has been granted by the county health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it will be the responsibility of the trailer court operator to provide such treatment as is deemed necessary to maintain a safe, potable water supply. Water shall be furnished at the minimum rate of one-hundred twenty-five (125) gallons per day per mobile home space. An additional water service connection shall be provided for each mobile home space, with meter for each individual trailer. (1989 Code, § 14-311)

**14-312. Sewage disposal.** An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four inch (4") sewer connection. All sewer lines shall be laid in trenches separated at least ten feet (10') horizontally from any drinking water supply line.

Every effort should be made to dispose of the sewage through a public sewerage system. In lieu of this, a septic tank and sub-surface 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 to be 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 a such 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 only on the basis of the percolation rate of the soil. The percolation rate should 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 a public sewerage or septic tank system, an officially approved package treatment plant may be used. (1989 Code, § 14-312)

**14-313. Refuse.** The storage, collection and disposal of refuse, in the park shall be so managed as to create no health hazards. 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. (1989 Code, § 14-313)

**14-314. Electricity.** An electrical outlet supplying at least two hundred twenty (220) volts 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 electrical code and revised Tennessee Department of Insurance and Banking Regulations, entitled "Regulations Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. ((1989 Code, § 14-314)

**14-315. Streets.** Widths of various streets within mobile home parks shall be:

- One-way, with no on-street parking . . . . . 11 ft.
- One-way, with parallel parking on one side only . . . . . 18 ft.
- One-way, with parallel parking on both side . . . . . 26 ft.
- Two-way, with no on-street parking . . . . . 20 ft.
- Two-way, with parallel parking on one side only . . . . . 28 ft.
- Two-way, with parallel parking on both sides . . . . . 36 ft.

Streets shall have a compacted gravel base and a prime seal treatment to meet requirement of the Tennessee State Highway Department. (1989 Code, § 14-315)

**14-316. 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. Such facilities shall be provided at the rate of at least one (1) car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two (2) car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home space. Where practical, one (1) car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten feet (10') and a length of not less than twenty feet (20'). The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (1989 Code, § 14-316)



**14-317. Buffer strip.** An evergreen buffer strip shall be planted along those boundaries of the mobile home court that are adjacent development. (1989 Code, § 14-317)

**14-318. License for mobile home parks.** It shall be unlawful for any person or persons to maintain or operate within the corporate limits of said town, a mobile home park unless such person or persons shall first obtain a license therefor. (1989 Code, § 14-318)

**14-319. License for individual mobile homes.** It shall be unlawful for any person to maintain an individual mobile home as a dwelling unless a license has been obtained therefor. It shall be the responsibility of the owner of the mobile home to secure the license. (1989 Code, § 14-319)

**14-320. License fees for mobile home parks.** The annual license fee for mobile home parks shall be twenty-five dollars (\$25.00). (1989 Code, § 14-320)

**14-321. License fees for individual mobile homes.** The annual license fee for each mobile home shall be five dollars (\$5.00). The fee for transfer of the license because of change of ownership or occupancy shall be five dollars (\$5.00). (1989 Code, § 14-321)

**14-322. Application for license.** (1) Mobile home parks. Application for a mobile home park shall be filed with and issued by the town building Inspector subject to the planning commission's approval of the mobile home park plan. Application shall be in writing and signed by the applicant and shall be accompanied with a plan of the proposed mobile home park. The plan shall contain the following information and conform to the following requirements:

- (a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred feet to one inch (100' to 1");
- (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 town 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.

(2) Individual mobile homes. Application for individual mobile home licenses shall be filed with and issued by the town building inspector. Applications shall be in writing and signed by the applicant. The application shall contain the following:

(a) The name of the applicant and all people who are to reside in the mobile home;

(b) The location and description of the mobile home, make, model, and year;

(c) The state license number;

(d) Further information as may be required by said town to enable it to determine if the mobile home and site will comply with legal requirements; and

(e) The application shall be filed in triplicate.

(1989 Code, § 14-322)

**14-323. Enforcement.** It shall be the duty of the county health officer and town building inspector to enforce provisions of this chapter. (1989 Code, § 14-323)

**14-324. Board of appeals.** The Monteagle Municipal-Regional Planning Commission 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 inspector in the enforcement of this chapter, may appeal for and receive a hearing by Monteagle Municipal-Regional Planning Commission for an interpretation of pertinent chapter provisions. In exercising this power of interpretation of this chapter, the Monteagle Municipal-Regional Planning Commission may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building inspector. (1989 Code, § 14-324)

**14-325. Appeals from board of appeals.** Any person or persons or any board, taxpayer, department, or bureau of the town aggrieved by any decision of the Monteagle Municipal-Regional Planning Commission may seek review by a court of record of such decision in the manner provided by the laws of the State of Tennessee. (1989 Code, § 14-325)

**14-326. Violation and penalty.** Any person or corporation who violates the provisions of the chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the town building inspector or county health officer after receipt of thirty (30) days written notice of such requirements, shall be punished in accordance with the general penalty provisions of this code. (1989 Code, § 14-326)

## CHAPTER 4

### LANDSCAPE ORDINANCE

#### SECTION

- 14-401. Purpose and intent.
- 14-402. Applicability and exemptions.
- 14-403. Landscape/plant installation plan submittal.
- 14-404. Hardships.
- 14-405. Conflicts with other sections in the zoning ordinance and existing zoning conditions.
- 14-406. Street yard requirements.
- 14-407. Parking lot requirements.
- 14-408. Screening requirements.
- 14-409. Stormwater credits.
- 14-410. Plant installation specifications.
- 14-411. Utility easement policy.
- 14-412. Maintenance.
- 14-413. Certificate of occupancy/bonding.
- 14-414. Appeals.
- 14-415. Definitions.

**14-401. Purpose and intent.** Monteagle's scenic landscapes are closely tied to the community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Monteagle's economy.

Landscaping provides important environmental benefits such as reducing air pollution and stormwater runoff, improving water quality, and creating wildlife habitats. Landscaping requirements are one of the many tools used for protecting and enhancing a community's scenic quality.

The purpose and intent of this chapter are the following:

- (1) To promote the scenic quality of the community by providing landscaping requirements.
- (2) To ensure that the local stock of native trees and vegetation is replenished.
- (3) To improve the appearance of parking areas and property.
- (4) To protect and enhance property values.
- (5) To reduce stormwater runoff and improve water quality; as well as help with soil erosion.
- (6) To provide transition between incompatible land uses.
- (7) To provide relief from traffic, noise, heat, glare from property lighting and motor vehicles, dust, and debris.
- (8) To reduce the level of carbon dioxide in the atmosphere.

(9) To reserve and protect the unique identity and environment of the Town of Monteagle. (Ord. #09-25, May 2009)

**14-402. Applicability and exemptions.** (1) Except as otherwise provided below, this chapter shall apply to all land located in the town. These requirements shall remain and continue with any and all subsequent owners.

(2) New developments and vehicular use areas which are part of a common development, which includes more than one (1) lot, shall be treated as one (1) lot for the purposes of satisfying these landscape regulations. Split ownership, planning in phases, construction in stages, and/or multiple building permits for a project, shall not prevent it from being a common development as referred to above. Each phase of a phased project shall comply with these requirements.

(3) Any refuse receptacle (dumpster) located within any public right-of-way at the time of the adoption of this ordinance shall be removed within a period of three (3) months from said adoption of this ordinance.

(4) Any refuse receptacle (dumpster) in existence at the time of the adoption of this ordinance which violates or does not conform to the provisions hereof, shall conform to the provisions within a period of six (6) months from said adoption of this ordinance.

(5) For existing developments and parking facilities, expansion in Gross Floor Area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below. Landscaping requirements shall not prevent an existing manufacturing facility from expanding. Where both building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supersede.

(a) Building expansions. (i) When an expansion increases GFA at least ten percent (10%) but no more than twenty-five percent (25%), then:

(A) The entire property shall comply with the street yard requirements or parking lot requirements (option of applicant).

(ii) When an expansion increases GFA more than twenty-five percent (25%), but no more than fifty percent (50%):

(A) The entire property shall comply with the street yard requirements.

(B) Fifty percent (50%) of the existing parking lot and all of any expanded parking lot portions shall comply with the parking lot landscaping requirements.

(C) The entire property shall comply with all of the screening requirements.

(iii) When an expansion increases GFA more than fifty percent (50%); then:

- (A) All of the landscape ordinance requirements must be met.
- (b) Parking lot expansions:
  - (i) When an expansion of at least ten (10) spaces increases the total number of parking spaces by no more than twenty-five percent (25%); then:
    - (A) The expanded portion of the parking lot shall comply with the landscaping requirements.
  - (ii) When a expansion of at least ten (10) spaces increases the total number of parking spaces more than twenty-five percent (25%), but no more than fifty percent (50%); then:
    - (A) Fifty percent (50%) of the existing parking lot(s) within the property and all of any expanding parking lot portions shall comply with the parking lot landscaping requirements.
  - (iii) When an expansion of at least ten (10) spaces increases the total number of parking spaces more than fifty percent (50%); then:
    - (A) The expanded and existing parking lot(s) within the property shall comply with the parking lot landscaping requirements.
- (c) Exemptions. (i) One-family detached and two-family residential dwellings are exempt from landscaping requirements. (Ord. #09-25, May 2009)

**14-403. Landscape/plant installation plan submittal.** Proposed developments subject to the provisions of this section and prior to receiving a building permit and certificate of occupancy must submit a landscape/plant installation plan to town hall for approval by the Monteagle Regional Planning and Zoning Commission. This landscape/plant installation plan may be incorporated into a site plan. The following elements shall be shown on the Landscape/Plant Installation Plan:

- (1) Zoning of site and adjoining properties;
- (2) Boundary lines and lot dimensions;
- (3) Date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for the landscape plan;
- (4) Location of all proposed structures and storage areas;
- (5) Drainage features and 100-year floodplain, if applicable;
- (6) Parking lot layout including parking stalls, bays, and driving lanes;
- (7) Existing and proposed utility lines, and easements;
- (8) All paved surfaces and curbs;
- (9) Existing trees or natural areas to be retained; and
- (10) Location of all required landscaping areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers);

(11) Location, installation size, quantity, and common names of landscaping to be installed; and

(12) The spacing between trees and shrubs used for screening.  
(Ord. #09-25, May 2009)

**14-404. Hardships.** (1) Intent. This section does not intend to create undue hardship on affected properties. The required landscaping should not exceed fifteen percent (15%) of the total lot area. For existing developments, where the GFA or parking areas are being increased, and the loss of off-street parking spaces (required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent (10%).

(2) Special administrative remedies. (a) Lots with a depth of one hundred fifty feet (150') or less, or an area of fifteen thousand (15,000) square feet or less have the following special exceptions:

(i) An automatic fifty percent (50%) reduction in landscape and yard depth requirements for screening street yard, and parking lot landscaping sections.

(ii) A twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening.

(b) Lots which front on more than one (1) street have the following special exception:

(i) All street frontages other than the primary street frontage may have a street yard with a minimum depth of four feet (4').

(c) In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development; or a loss greater than fifteen percent (15%) of the lot area for development, the following administrative remedies may be applied:

(i) Reduce the required minimum landscaped area widths up to fifty percent (50%).

(ii) Reduce the tree planting requirements by up to twenty-five percent (25%).

(3) Administrative guidelines. (a) Where possible, reduction of landscaping requirements in one (1) area should offset by an increase of landscaping requirements in other portions of the site.

(b) The first priority is to provide trees along the street frontage.

(c) A screen should always be provided if it is required by this section. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than five feet (5') in width, require a maximum of six feet (6') tall wood or composite fence or masonry wall, adjoining any commercial property. If commercial/industrial adjoining

residential a minimum of ten feet (10') tall fence required. (Ord. #09-25, May 2009)

**14-405. Conflicts with other sections in the zoning ordinance and existing zoning conditions.** Where any requirement of this section conflicts with the requirement of another section or existing zoning conditions in the zoning ordinance, the most restrictive requirement shall apply. (Ord. #09-25, May 2009)

**14-406. Street yard requirements.** (1) Intent. The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

(2) Dimensions. (a) Except for point of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.

(b) The street yard shall have a minimum depth of eight feet (8') as measured from the edge of the public right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

(3) Plantings. (a) Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty-five (35) linear feet of the right-of-way frontage. Trees do not have to be evenly spaced in thirty-five feet (35') increments. Fractions of trees shall be rounded up to the nearest whole number.

(b) The minimum spacing between trees is fifteen feet (15') measured trunk to trunk. The maximum spacing is fifty feet (50') measured trunk to trunk.

(c) The trees referred to in this section shall have a minimum expected maturity height of at least twenty-five feet (25') and a minimum canopy spread of ten feet (10') (see plant installation specifications section).

(4) Existing woodlands. (a) Existing woodlands the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

(i) Existing woodlands to be set aside shall have a minimum depth of twenty-five feet (25') as measured from the public street right-of-way.

(ii) Number of woodland trees (not including prohibited trees) having a minimum caliper of six inches (6") shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet.



(iii) No impervious services are permitted within the street yard area except for approved access points to the site and/or sidewalks.

(5) Exemptions/special situations. (a) Properties adjoining rights-of-way that encroach into established parking areas more than twenty feet (20') have the following street yard options.

(i) Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way.

(ii) If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees cannot be used to meet requirements in other sections.

(iii) Existing street trees planted within the right-of-way (not including the center median or opposite side of the street).

(iv) Where overhead power lines encroach into the street yard, smaller trees can be substituted for larger trees.

(v) Stormwater facilities may be located within the street yard subject to the following conditions:

(A) No riprap, crushed stone, or other impervious materials are exposed with the exception of mountain stone.

(B) Trees and other living organic materials can be planted along the stormwater facility.

(vi) With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements. (Ord. #09-25, May 2009)

**14-407. Parking lot requirements.** (1) Intent. The intent of this section is to break up the expense of asphalt to provide shade, and to reduce the glare from parked cars and loading docks.

(2) Design criteria. (a) No parking space can be more than sixty feet (60') from a tree.

(b) Ends of all interior parking bays that contain a minimum of ten (10) contiguous parking spaces shall be bordered on both sides by a landscape island.

(c) Ends of all perimeter parking bays shall be bordered by a landscaped peninsula.

(3) Dimensions/planting criteria. (a) Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum of eight feet (8') and a minimum landscaped area of two hundred (200) square feet.

(b) Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.

(c) All landscaped islands and peninsulas shall be bordered by a curb. (Ord. #09-25, May 2009)

**14-408. Screening requirements.** (1) Intent. To provide a transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.

(2) Procedure. Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided on the next page.

<u>Existing</u>	Industrial	Commercial	University	High-Density Residential	Low-Density Residential
Industrial	≠	B	A	A	A
Commercial	≠	C	B	B	B
University	A	B	C	B	B
Residential	A	B	B	≠	B
High Density					

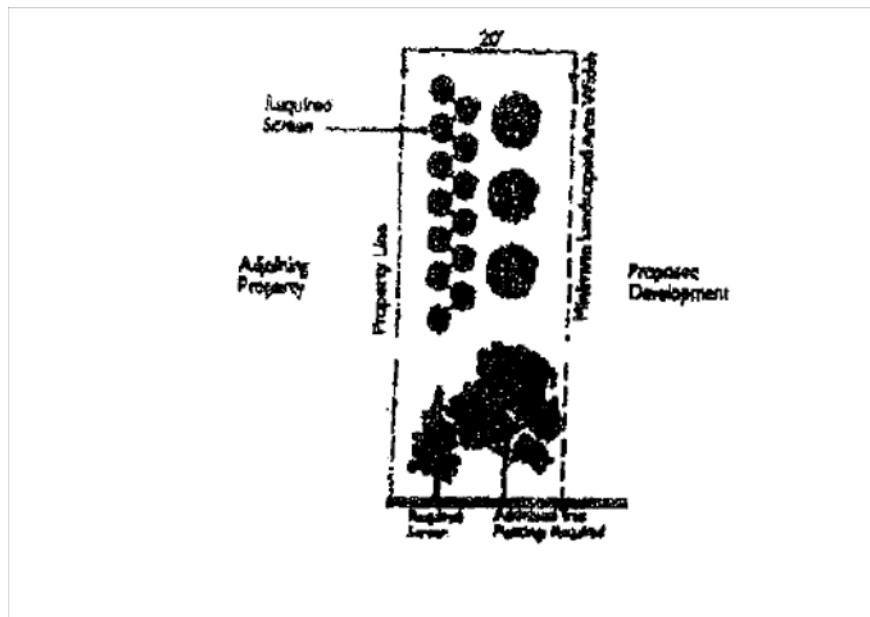
≠ No screen or buffer required

<u>ZONING DISTRICTS</u>	
Industrial	I-1
Commercial	C-1, C-2, C-3
School/Church	
Residential High-Density	R-1-H, and R-3
Residential Low-Density	R-1-L, and R-2

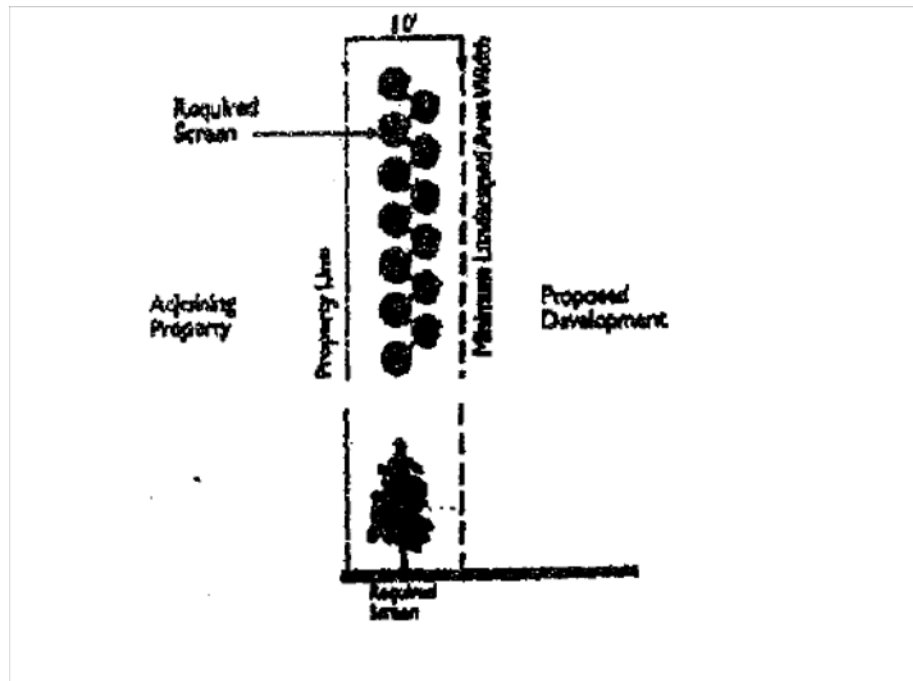
(3) Screening types. (a) Type A--twenty feet (20') deep landscape yard planted with:

- (i) Evergreen trees spaced a maximum of ten feet (10') on-center or two (2) staggered rows (spaced a maximum of seven feet (7') apart) of shrubs spaced a maximum of eight feet (8') on-center; and

- (ii) One (1) row of Class 1 shade trees spaced a maximum of thirty-five feet (35') on-center;
- (iii) All planting shall meet the installation and planting size requirements specified in the plant installation specifications section.



- (b) Type B--Ten feet (10') deep landscape yard planted with:
  - (i) Evergreen trees spaced a maximum of ten feet (10') on-center or two (2) staggered rows (spaced a maximum of seven feet (7') apart) of shrubs spaced a maximum of eight feet (8') on-center; and
  - (ii) All planting shall meet the installation and planting size requirements specified in the plant installation specifications section.



(c) Type C--Five feet (5') deep landscape buffer between commercial and commercial:

- (i) The buffer should consist of screening shrubs no more than five feet (5') apart; or
- (ii) Class 2 shade trees that are no less than forty feet (40') apart; or
- (iii) Screening trees that are no less than fifteen feet (15') apart.
- (iv) All planting shall meet the installation and planting size requirements specified in the plant installation specifications section.

(d) Type D--Screening of dumpsters--screened in the manner described below:

- (i) Screening shall be a minimum height of six feet (6').
- (ii) All four (4) sides of the dumpster shall be screened.
- (iii) The screen should incorporate access to the dumpster by using a wood fence.
- (iv) Screening materials must be any combination of evergreen plantings, wood, composite or masonry material.

(e) Type E--Stormwater facilities--located in the landscaped yard subject to the following conditions:

- (i) No riprap, crushed stone, concrete or other impervious materials are exposed, except mountain stone.
- (ii) Trees and other living organic materials can be planted along the stormwater facility. (Ord. #09-25, May 2009)

**14-409. Stormwater credits.** Reserved for Future Use

**14-410. Plant installation specifications.** (1) Intent. All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures of landscape industry. Planting methods and the season of planting will optimize chances for long-term plant survival and continued vigor.

(2) Class 1 shade trees. These trees are intended to be used to meet the tree planting requirements specified in the street yard and parking lot sections. All Class 1 shade trees shall be installed at a minimum caliper of two inches (2") as measured from two and one-half feet (2 1/2') above grade level. Class 1 shade trees shall also have a minimum expected maturity height of at least thirty-five feet (35') and a minimum canopy spread of twenty feet (20'). Evergreen trees can be treated as Class 1 shade trees provided they meet the minimum maturity height and canopy spread criteria.

**Common Names**

Southern Sugar Maple	Sugar Maple
River Birch	European Hornbeam
American Hornbeam	Katsura Tree
Yellowwood	Ginkgo
Seedless Honey Locust	Golden Raintree
Sweet Gum	Dawn Redwood
Black Gum	American Hophornbeam
Chinese Pistachio	White Oak
Saw Tooth Oak	Swamp White Oak
Scarlet Oak	Overcup Oak
Water Oak	Willow Oak
Northern Red Oak	Shumard Oak
Japanese Pododotree	Littleleaf Linden
Silver Linden	Princeton American Elm
Japanese Selkova	

(3) Class 2 shade trees. These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class 2 shade trees shall be installed at a minimum caliper of one and one-half inches (1 1/2") as measured at two and one-half feet (2 1/2') above grade level from the base of the tree. Class 2 trees shall have a minimum expected maturity height of twenty feet (20') and a minimum canopy spread of ten feet (10').

**Common Names**

Trident Maples	Hedge Maple
Amur Maple	Serviceberry
Redbud	Flowering Dogwood

Kousa Dogwood	Thornless Cockspur Hawthorne
Winter King Hawthorne	Golden Raintree
Crape myrtle	Sweetbay Magnolia
Okame Cherry	Autumn Flowering Cherry
Yoshio Cherry	

(4) Screen trees. Screening trees are used to meet the tree planting requirements of the screening section. All screening trees shall be installed at a maximum height of eight feet (8') and have a minimum expected mature spread of eight feet (8').

**Common Names**

Atlas Cedar	Deodar Cedar
Leland Cypress	Foster Holly
American Holly	Eastern Red Cedar
Southern Magnolia	Shortleaf Pine
Loblolly Pine	Virginia Pine
Canadian Hemlock	Carolina Hemlock

(5) Screen shrubs. All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of six feet (6') and a mature spread of at least five feet (5').

**Common Names**

English Holly	Burford Holly
Nellie R. Stevens Holly	Wax Myrtle
Cherrylaurel	English Laurel
Eastern Arbor Vitae	Leatherleaf Viburnum

(6) Prohibited plants. The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance.

**Common Names**

Silver Maple	Garlic Mustard
Mimosa	Air-Potato
Asian Bittersweet	Thorny Olive
Autumn Olive	English Ivy
Winter Creeper	Chinese Privet
Sericea Lespedeza	January Jasmine
Common Privet	Amur Bush Honeysuckle
Japanese Grass	Tartarian Honeysuckle
Eurasian Water Milfoil	Purple Loosestrife
Common Reed	Mulberry

Silver Poplar	Princess Tree
Multiflora Rose	Japanese Knotweed/Bamboo
Johnson Grass	Kudzu
Siberian Elm	Tropical Soda Apple
Tree of Heaven	Japanese Spiraea

(Ord. #09-25, May 2009)

**14-411. Utility easement policy.** (1) Intent. To avoid damage to utility lines and landscape plantings, all trees and shrubs should be planted outside of existing and proposed utility easements.

(2) Policy. Any tree or shrub used to meet the requirements of this chapter shall not be located within proposed or existing utility easements unless it meets (1) one of the special exceptions as defined below.

(a) Written permission has been obtained from the holder of the utility easement.

(b) Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the plant installation specification section as Class II shade § 14-410(2)) may be substituted.

(c) If none of the special exceptions above apply, the following options shall be considered of priority.

(i) Priority 1--plant the tree as close to the easement as possible.

(ii) Priority 2--for highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.

(d) Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan. (Ord. #09-25, May 2009)

**14-412. Maintenance.** The property owner shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy (no more than fifty percent (50%) diseased), neat, and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this chapter. A maintenance/replacement bond or letter of credit in an amount equal to fifty percent (50%) of the projected cost of landscaping shall be provided to the Town of Monteagle for a period of not less than two (2) years. (Ord. #09-25, May 2009)

**14-413. Certificate of occupancy/bonding.** If the landscaping has not been installed and inspected for proper installation prior to receiving certificate

of occupancy, a certificate of occupancy may be granted provided the following conditions are met:

(1) Property owner posts a performance bond or irrevocable letter of credit with the town treasurer;

(2) The amount of the bond or letter of credit shall be at least one thousand dollars (\$1,000.00) for Type C screening, three thousand dollars (\$3,000.00) for Type B screening and five thousand dollars (\$5,000.00) for Type A screening.

After receiving the certificate of occupancy, the remaining landscape material shall be installed within one (1) year from the date the certificate of occupancy is issued. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the one (1) year period and the funds applied to complete the landscaping work. (Ord. #09-25, May 2009)

**14-414. Appeals.** (1) Any person aggrieved by the administration, interpretation, or enforcement of this section may appeal to the board of zoning appeals within sixty (60) days of the building inspection office's decision. Decisions of the board of zoning appeals may be appealed to a court of competent jurisdiction. Should any court of competent jurisdiction find any portion of this section to be unlawful or unconstitutional, such finding shall not affect this section as a whole or any portion of it if not found invalid.

(2) Unique factors relating to topography, soil and vegetation conditions, space limitations, or uses of neighboring property may make landscaping impossible, ineffective or unnecessary. The hardship section of this document provides administrative remedies and guidelines where the strict application of the landscape ordinance would create an undue hardship. If the administrative remedies and guidelines as described within that section do not relieve the undue hardship, requests for use of alternative landscaping schemes or variances are justified only when one (1) or more of the following conditions apply:

(a) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible, impractical, or ineffective. If the request is a variance in the screening requirements a letter shall be required from the owners of abutting property to acquiesce with the variance or alternative landscaping scheme.

(b) Due to a change of use of an existing site, the required screening requirements (buffer yard) are larger than can be provided as required by the provisions of this ordinance.

(c) The site involves space limitations or unusually shaped parcels.

(d) When the strict application of this landscape ordinance would impact the safety of the general public. (Ord. #09-25, May 2009)



**14-415. Definitions.** (1) "Caliper." A measurement of the tree trunk, diameter measured at two and one-half feet (2 1/2') above grade level.

(2) "Chain link fencing" used for security not screening and cannot be used to satisfy any landscaping requirements.

(3) "Class I shade trees." Any plant having a central trunk, a maximum expected maturity height of thirty-five feet (35'), and an expected minimum mature canopy spread of twenty feet (20').

(4) "Class II shade trees." Any plant having a central trunk, a maximum expected maturity height of twenty-five feet (25').

(5) "Fence" includes wood, masonry, or evergreen plants and includes chain links (however, chain linked fences shall not be used for any type of screening, i.e., slats attached or weaved in fence).

(6) "Gross floor area." The total interior space as defined by the building code.

(7) "Impervious surfaces" includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

(8) "Interior parking bay." All parking bays that do not qualify as a perimeter bay.

(9) "Landscaped area/landscape yard." An area to be planted with grass, trees, shrubs, or other natural ground cover. No impervious surfaces are permitted in these areas.

(10) "Landscaped island." A landscaped area defined by a curb and surrounded by paving on all sides.

(11) "Landscaped peninsula." A landscaped area defined by a curb and surrounded by paving on three (3) sides.

(12) "Masonry wall" made of brick or stone; any other masonry construction must be approved by the planning commission.

(13) "Natural buffer." An area of land set aside for preservation in its natural vegetative state. Plants may not be removed with the exception of poisonous or non-native plant species. In addition, fill/cutting activities, storage of material, and impervious surfaces are not permitted in these areas.

(14) "New development" construction of a new building or structure on its own lot is considered as new development. New buildings or a structure constructed on a lot which already contains existing buildings is considered as an expansion.

(15) "Perimeter bay." All parking bays that are adjacent to the perimeter of a development.

(16) "Screening shrubs." Evergreen shrubs that maintain their foliage year-round.

(17) "Screening trees." Evergreen trees that maintain their foliage year-round.

(18) "Street yard." A designated landscaped area where private property abuts the public street right-of-way for planting of grass, trees, and shrubs. (Ord. #09-25, May 2009)

## CHAPTER 5

### FLOOD DAMAGE PREVENTION ORDINANCE

#### SECTION

- 14-501. Statutory authorization, findings of fact, purpose and objectives.
- 14-502. Definitions.
- 14-503. General provisions.
- 14-504. Administration.
- 14-505. Provisions for flood hazard reduction.
- 14-506. Variance procedures.
- 14-507. Legal status provisions.

**14-501. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-2-201 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 Town of Monteagle, Tennessee, Mayor and its Legislative Body do ordain as follows:

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

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

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

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

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

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

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

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

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

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

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

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To establish eligibility for participation in the NFIP.  
(Ord. #02-11, Feb. 2011)

**14-502. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage.

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

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

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

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

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

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

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

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

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

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

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

(9) "Building" see "structure."

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

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

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

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

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

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

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

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

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

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

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

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

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

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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

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

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

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

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

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

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

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

(34) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

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

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

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

(c) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on the Town of Monteagle, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

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

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

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

(40) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use



with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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

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

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

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

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

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

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

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

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

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

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

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

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

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

(a) The market value of the structure should be:

(i) The appraised value of the structure prior to the start of the initial improvement; or

(ii) In the case of substantial damage, the value of the structure prior to the damage occurring.

(b) The term does not, however, include either:

(i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project; or

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

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

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

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #02-11, Feb. 2011)

**14-503. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of the Town of Monteagle, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard in the Town of Monteagle, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for Marion County 47115, community ID 470309, and panel numbers 0080 and 0085, dated February 4, 2009; Grundy County 47061, community ID 470309, and panel numbers 0205, 0210, 0215, 0220, 0230, and 0240, dated September 25, 2009; and Franklin County 47051, community ID 470309, and panel number 0200, dated August 4, 2008, along with all supporting technical data, are adopted by reference and declared to be part of this ordinance.

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

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

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

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

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

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by

Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Monteagle, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #02-11, Feb. 2011)

**14-504. Administration.** (1) Designation of ordinance administrator. The (building official/name and position of other official) is hereby appointed as the administrator to implement the provisions of this ordinance.

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

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

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

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-505(1) and (2).

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

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

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest

floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

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

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

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

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

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

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-504(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-504(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-504(2).

(i) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.

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

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #02-11, Feb. 2011)

**14-505. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

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

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

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

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

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

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

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

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

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

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

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-505(2);

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

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

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-505(1) are required:

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

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the



administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

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

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-502). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-504(2).

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

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

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

(C) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-505(2).

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

(A) Individual lots or parcels;

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

(C) In new or substantially improved manufactured home parks or subdivisions;

must meet all the requirements of new construction.

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

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

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-502).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-505(1) and (2).

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

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

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

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

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

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

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

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

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

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-505(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-503(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase for the water surface elevation of the base flood elevation, velocities, or floodway widths during

the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the Town of Monteagle, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-503(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-503(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-505(1) and (2).

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

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or

floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-502). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-504(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-505(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Town of Monteagle, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-505(1) and (2). Within approximate A Zones, require that those subsections of § 14-505(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-503(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-505(1) and (2) apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-505(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be

floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-504(2).

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

(7) Standards for areas protected by flood protection system (A99 Zones). Located within the areas of special flood hazard established in § 14-503(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-504 and 14-505 shall apply.

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

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-504 and 14-505. (Ord. #02-11, Feb. 2011)

**14-506. Variance procedures.** (1) Board of floodplain review.

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

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

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

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

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

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

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

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

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

to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

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

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

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

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



(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-506(1).

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

(c) Any administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #02-11, Feb. 2011)

**14-507. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Monteagle, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (Ord. #02-11, Feb. 2011)

## CHAPTER 6

### SIGN REGULATIONS

#### SECTION

- 14-601. Definitions relating to on-premises signs.
- 14-602. Sign controls.
- 14-603. Billboards.
- 14-604. Permit procedures for on-premise signs.
- 14-605. Maintenance of on-premise signs.

**14-601. Definitions relating to on-premises signs.** For the purpose of this chapter and where otherwise made applicable by reference, the following definitions shall apply:

(1) "Attached sign." Attached sign shall mean an on-premise sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen inches (18") from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen inches (18") from the building, canopy, awning, marquee or mechanical equipment shall be considered a "projecting sign."

(2) "Awning." Awning shall mean a roof-like cover providing protection from the weather placed over or extending from above any window, door or other entrance to a building but excluding any column, pole, or other supporting structure to which the awning is attached.

(3) "Balloon sign." Balloon sign shall mean any sign painted onto or otherwise attached to or suspended from a balloon, whether such balloon is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises.

(4) "Banner." Banner shall mean an on-premise sign which is made of fabric, paper or any other non-rigid material and which has no enclosing framework or internal supporting structure but not including balloon signs.

(5) "Billboard." Any off-premise sign located elsewhere from a business to direct motorists and pedestrians to a business establishment.

(6) "Building." Building shall mean any structure that encloses a place for sheltering any occupants that contains not less than three hundred (300) square feet of enclosed space at the ground level or is routinely used for human occupancy in the ordinary course of business.

(7) "Canopy." Canopy shall mean a marquee or permanent, roof-like structure providing protection against the weather, whether attached to or detached from a building, but excluding any column, pole or other supporting structure to which the canopy may be attached.

(8) "Construction sign." Construction sign shall mean any temporary on-premise sign located upon a site where construction or landscaping is in

progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of one hundred (100) square feet in sign area.

(9) "Detached sign." Detached sign shall mean:

(a) Any freestanding or projecting sign;

(b) Any sign attached to a canopy which is detached from a building and which has less than two hundred (200) square feet of roof area; and

(c) Any sign attached to a structure which is not a building.

(10) "Facade." Facade shall mean the total external surface area of a vertical side of a building, canopy, awning or mechanical equipment used to dispense a product outside a building. If a building, canopy, awning or mechanical equipment has a non-rectangular shape, then all walls or surfaces facing in the same direction, or within twenty-five degrees (25°) of the same direction, shall be considered as part of a single facade. Additionally, any portion of the surface face of a mansard, parapet, canopy, marquee or awning which is oriented in the same direction (or within twenty-five degrees (25°) of the same direction) as the wall to which, or over which, such mansard, parapet, canopy, marquee, or awning is mounted shall be deemed a part of the same facade as such wall.

(11) "Freestanding/ground sign." Freestanding/ground sign shall mean a permanently affixed single or multi-faced on-premise sign which is constructed independent of any building and supported by one (1) or more columns, uprights, braces or constructed device.

(12) "Height." Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate the "sign area."

(13) "Incidental sign." Incidental signs shall mean an on-premise sign, emblem or decal mounted flush with the facade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premise sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

(14) "Landmark sign." Landmark sign shall mean any on-premise which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a certified historic structure, is listed as a national monument or is listed under any similar state or national historical or cultural designation.

(15) "Mansard." Mansard shall mean the lower portion of a roof with two (2) pitches, including a flat-top roof with a mansard portion.

(16) "Mansard sign." Mansard sign shall mean any sign attached to the mansard portion of a roof.

(17) "Marquee." Marquee shall mean a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or

extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(18) "Message center." Message center shall mean a sign, on which the message or copy changes automatically on a lamp bank or through mechanical means also known as a commercial electronic variable message sign.

(19) "Occupant." Occupant shall mean each separate person which owns or leases and occupies a separate portion of a premises.

(20) "Off-premise sign." Off-premise sign shall mean any sign which is not an on-premise sign.

(21) "On-premise sign." On-premise sign shall mean any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities conducted on or offered from or on those premises, or the sale, lease or construction of those premises.

(22) "Person." Person shall mean individual, company, corporation, association, partnership, joint venture, business, proprietorship or any other legal entity.

(23) "Premises." Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor.

(24) "Portable sign." Portable sign shall mean any on-premise sign which is not affixed to real property in such a manner that its removal would cause serious injury or material damage to the property and which is intended to be or can be removed at the pleasure of the owner, including without limitation, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs and balloon signs.

(25) "Projecting signs." Projecting sign shall mean an on-premise sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance or more than eighteen inches (18"), provided, however, that no projecting sign shall extend horizontally from the building more than eight feet (8') at the greatest distance.

(26) "Reader board." Reader board shall mean any on-premise sign attached to or made a part of the support system of a freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "Deli Inside," "Tune-Ups Available," "Year-End Special" and the like.

(27) "Roof sign." Roof sign shall mean an attached or projecting sign:

(a) Which is placed on top of or over a roof, excluding the mansard portion of a roof or so attached to any flagpole, antenna, elevator housing facilities, air conditioning towers or coolers or other mechanical equipment on top of a roof;

(b) Any portion of which extends above the wall, canopy or awning to which a sign is attached; or

(c) Any portion of which extends above the top of the mansard in the case of a mansard sign.

(28) "Sign." Sign shall mean any structure or wall or other object used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is located upon, attached to or painted or represented on any land, on any building or structure, on the outside of a window or on an awning, canopy, marquee or similar appendage and which displays or includes any message or messages, numeral, letter work, model, emblem insignia, symbol, device, light, trademark or other representation used as or in the nature of an announcement, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, community, product, service, businesses, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

(a) Signs or flags erected, provided, owned; authorized or required by a duly constituted governmental body including but not limited to, traffic or similar regulatory devices) legal notices or warnings at railroad crossings.

(b) Signs located inside a building.

(c) Memorial plaques or tablets.

(d) Gravestones.

(e) Inside faces of scoreboard fences or walls on athletic fields.

(f) Historical site plaques.

(g) The display of street numbers.

(h) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited.

(29) "Snipe sign." Snipe sign shall mean any on-premise sign for which a permit has not been issued which is attached in any way to a utility pole, tree, rock, fence or fence post.

(30) "Special event." Special event shall mean a short-term event of unique significance not in excess of thirty (30) days; such term shall include only grand openings, health-related promotions or health-related service programs (i.e., flu shot clinic, blood donation promotions, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity events, festivals, religious celebrations and charity fund raisers and shall not include other sales or promotions in the ordinary course of business.

(31) "Unused signs." Any sign that has not displayed a message or messages for more than ninety (90) days or is not kept in good structural repair such that the sign could pose a risk to public health or safety.

(32) "Wall graphics or wall murals." Wall graphic or wall murals shall mean a painted scene, figure or decorative design so as to enhance the building architecture and which does not include written trade names, advertising or commercial messages.

(33) "Width." Width shall mean the total measurement of the horizontal side of the rectangle which is used to calculate "sign area." (Ord. #03-11, June 2011)

**14-602. Sign controls.** The following regulations apply to on-premise signs in the districts hereinafter set forth:

(1) Residential district (R). (a) Signs accessory to professional and home occupations conducted in a dwelling are permitted provided that the surface display area on one (1) side of the sign does not exceed two (2) square feet.

(b) No more than one (1) sign shall be erected for each permitted use on the premises.

(c) Real estate signs are permitted.

(d) No other signs are permitted.

(2) Commercial, all districts: C-1, C-2, C-3. (a) Attached signs are permitted provided said signs:

(i) Do not need exceed twenty percent (20%) of the area of the building face to which the sign is to be erected;

(ii) Are not mounted, attached or painted to the building's wall (not the primary face of the building) with the exception of signs that specifically identify the business by name.

(b) Ground signs are permitted provided said signs:

(i) Do not exceed nine hundred (900) square feet and that no one (1) sign can be larger than six hundred (600) square feet;

(ii) Are set back ten feet (10') from the public right-of-way. This measurement is taken from the edge of the sign to the right-of-way, not from the poles supporting the ground sign. For each additional foot of setback, one foot (1') in height is required up to a thirty feet (30') maximum height from bottom of sign;

(iii) Are not higher than two hundred feet (200') from the finished grade.

(iv) Are spaced so that they are not closer than fifty feet (50') to another ground sign;

(v) Do not exceed three (3) signs per tract of property.

(c) Real estate signs are permitted on listed property only.

(d) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding thirty-two (32) square feet in area and identifying the contractors, engineers/architects and federal, state, or local agency, if any, involved, which signs shall be removed immediately upon completion of the construction.

(e) Banners shall be permitted providing said banners:

(i) Do not exceed twenty percent (20%) of the area of the building face to which the sign is to be attached.

(ii) Are attached to the structure at four (4) corners of the banner;

(iii) Does not exceed more than one (1) banner per business or structure;

(iv) Are maintained so that at no time do they become tattered, torn, faded, unsightly or not attached in a safe and secure fashion.

(f) Monument signs shall be permitted provided the signs:

(i) Are no closer than ten feet (10') from the right-of-way as measured from the side of the sign, including supports, to the edge of the right-of-way;

(ii) Are no higher than six feet (6') from the ground to the top of the sign or support;

(iii) Are no wider than fifteen feet (15'), including supports;

(iv) Are located in Zones A or C as set forth on the zoning map of the town.

(3) Industrial district (I-1). (a) Attached signs are permitted provided said signs:

(i) Do not exceed twenty percent (20%) of the area to the building's face to which is to be erected;

(ii) Are not attached, mounted or painted to the building's roof or extended above the building's roof line.

(b) Ground signs are permitted provided said signs:

(i) Are set back ten feet (10') from the public right-of-way. This measurement is to be taken from the edge of the sign to the right-of-way, not from the pole supporting the ground sign;

(ii) Are spaced so that they are no closer than fifty feet (50') to one another;

(c) Real estate signs are permitted on listed property only.

(d) Contractor's signs are permitted during construction of a building for which a building permit has been issued, one (1) sign not exceeding thirty-two (32) square feet in area and identifying the contractors, engineers/architects and federal, state or local agency, if any involved, which signs shall be removed immediately upon completion of the construction.

(e) Aggregate display surface area of all signs not exceeding one thousand (1,000) square feet.

(f) Billboards are permitted only in the industrial district provided said signs.

(i) Are not larger than seven hundred seventy-five (775) square feet in surface display area.

(4) All signs hereafter erected in any district shall also comply with the following regulations:

(a) Signs painted or pasted directly on the structures shall be counted against the aggregate display surface area allowed.

(b) Signs incorporating any noisy mechanical device are expressly prohibited.

(c) No sign or part thereof shall consist of pendants, ribbons, streamers, spinners, or other similar moving, fluttering, or revolving devices for a period exceeding thirty (30) days. These items may only be used as part of the business's grand opening celebration for a period not to exceed thirty (30) days. There shall be only one (1) grand opening per owner of said business.

(d) Illuminated signs and outside lighting devices, including beacons and spotlights, shall emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, blinking, intermittent, rotating, or moving light or lights, except message center signs. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit focused light to be directed or beamed upon a public street, highway, sidewalks, or adjacent premises so as to cause glare or reflection that constitutes a traffic hazard or nuisance. Bare bulbs may be used on signs only when they are used as an integral part of the sign or as a message center sign and provided that the maximum wattage of the bulb shall not exceed seventy-five (75) watts.

(e) No sign or any type of any foundation or support, therefore shall be placed in or on any dedicated street or highway right-of-way, or in any utility and drainage easement. No part of a sign may extend over the right-of-way.

(f) No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof. The bottom of the sign shall not be lower than twelve feet (12') except for ground signs larger than one hundred (100) square feet shall not be lower than thirty feet (30').

(g) Signs are prohibited which contain or are in imitation of an official traffic signal or contain the words "stop," "go," "slow," "caution," "danger," "warning," or similar words, when used in such a manner that the same may be mistaken or confused with an official sign.

(h) No new billboards shall be erected within the corporate limits, except as allowed in the industrial district (I-1).

(i) The setback refers to any portion of the sign or its supports.

(j) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

(i) The supports or uprights and covering thereon on which a sign is supported shall not be included in the display surface area of a sign.



(ii) When two (2) signs of the same shape and dimensions are mounted or displayed back to back and parallel, only one (1) such face shall be included in computing the total display surface area of the sign.

(iii) The display surface area of a wall sign consisting of individual letters not enclosed by a box or outline shall be the sum of the net area of each letter. Area of letters equals shaded area only.

(iv) The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline shall be the total area of the sign including the background, box or outline.

(v) The display surface area of a multi-faced sign shall be one-half (1/2) of the sum of all surface area forming a part of the display.

(k) Any sign legally in existence at the time of the effective date of this ordinance may be continued in use despite any non-conformity with these provisions; if such non-conforming sign is removed or altered by act of God, vandalism or accident, it may be restored to its former condition; if such non-conforming sign needs to be changed, painted or re-lettered by reason of change of business, the same may be done; if such sign needs to be repaired to prevent its falling into disrepair so far as safety is concerned, the same may be done. Under no other circumstances may any non-conforming sign be restored, replaced, or re-erected.

(l) In any zoning district, in addition to the regulations contained herein, and to the extent they do not conflict with the same, those regulations contained within the building code shall apply. (Ord. #03-11, June 2011)

**14-603. Billboards.** Billboards, except as provided in § 14-902(3)(d) above, and any other outdoor advertising structures not herein expressly allowed, including, but not limited to portable or moveable temporary signs, illuminated, or otherwise, are expressly prohibited. (Ord. #03-11, June 2011)

**14-604. Permit procedures for on-premise signs.** (1) Before any person shall erect, construct, maintain or place any sign permitted by this chapter to be constructed, erected, placed or maintained, such person shall submit a sign application to the town recorder. During a period prior to the regularly scheduled monthly planning commission meeting, the building inspector shall inspect the location and plans for said sign for compliance to this chapter: The sign application shall include but not necessarily be limited to the following information:

(a) Location of property;

(b) Name and address of all persons owning or claiming an interest in said property;

- (c) Posted names of any abutting street, roads, highways, etc.;
- (d) Sketch of property showing dimensions of tract and approximate location of the sign(s);
- (e) The exact dimensions of the sign or display;
- (f) The materials to be used in the construction, erection, maintenance or repair;
- (g) The name, address and telephone number of the applicant or applicant's agent;
- (h) Estimated construction costs, including costs of installation;
- (i) Any other information application deems appropriate in support of the application.

(2) Once an application has been reviewed by the building inspector, and the sign is in compliance with this chapter, the building inspector may issue the sign permit. However, if for some reason, the sign is not in compliance, and the building inspector will not issue the sign permit, the matter may be appealed and shall be brought before the board of zoning appeals for review and consideration.

(3) Upon approval of the application for permit by the building inspector as herein above set forth, the town recorder or town clerk shall collect from the applicant at the time of issuance a one (1) time fee for signs calculated by multiplying the total square of the sign by the sum of two dollars (\$2.00). All banners, as approved herein shall be charged an annual fee of one hundred dollars (\$100.00). Said fee is renewable annually on the date of the issuance of the permit.

(4) The construction, election, maintenance, placement, repair or alteration of any sign, outdoor display or advertisement without compliance with requirements of this chapter shall subject the violator to a fine of fifty dollars (\$50.00) and court cost. For the purpose of this chapter, each day a violation exists shall be deemed a separate offense.

Any person charged with a violation of this chapter shall be cited to appear before the town court of Montegale by the building inspector or the chief of police. Should the accused be found guilty of a violation or violations of this chapter, the town judge shall impose the fines herein set forth, it being the express intent of the mayor and board of aldermen that the fine cannot be waived, reduced or in any manner forgiven. In addition to the fine and costs, which shall be assessed upon being found guilty, the court is further empowered to direct the removal of the sign to be in effect no later than ten (10) days from the date of a hearing. (Ord. #03-11, June 2011)

**14-605. Maintenance of on-premise signs.** All on-premises signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The building official shall order the removal of any on-premise sign which is defective, damaged or substantially deteriorated. (Ord. #03-11, June 2011)