

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. [REPEALED.]
2. ZONING ORDINANCE.
3. MUNICIPAL FLOOD DAMAGE PREVENTION.
4. DESIGN PRINCIPLES AND STANDARDS.
5. SIGN REGULATIONS.

CHAPTER 1

[REPEALED]

(as repealed by Ord. #2010-3, Jan. 2010)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Governed by current zoning ordinance and amendments.

14-201. Governed by current zoning ordinance and amendments. Zoning within the Town of Signal Mountain shall be governed by the provisions of the most current zoning ordinance approved by the Signal Mountain Planning Commission and the town council. The codified zoning ordinance shall be attached as Appendix to the Signal Mountain town code.¹ (1985 Code, § 11-201, as replaced by Ord. #2004-6, Oct. 2004)

¹See Appendix A of this municipal code for the zoning ordinance adopted by Ord. #2004-6, October 25, 2004.

CHAPTER 3

MUNICIPAL FLOOD DAMAGE PREVENTION

SECTION

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

14-301. Statutory authorization, findings of fact, purpose and objectives.

(1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, § 6-19-101 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 Mayor of the Town of Signal Mountain, Tennessee and the Signal Mountain Town Council do ordain as follows:

(2) Findings of fact. (a) The Mayor of the Town of Signal Mountain and the Signal Mountain Town Council wish to (maintain - establish) eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

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

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

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

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

- (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
 - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
 - (d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.
- (4) Objectives. The objectives of this chapter are:
- (a) To protect human life and health;
 - (b) To minimize expenditure of public funds for costly flood control projects;
 - (c) To minimize the need for rescue and relief efforts associated with flooding;
 - (d) To minimize prolonged business interruptions;
 - (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
 - (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;
 - (g) To ensure that potential buyers are notified that property is in a floodable area; and,
 - (h) To establish eligibility for participation in the National Flood Insurance Program. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

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

- (1) "Accessory structure" shall represent subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:
- (a) Accessory structures shall not be used for human habitation.
 - (b) Accessory structures shall be designed to have low flood damage potential.
 - (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (d) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (e) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

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

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

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

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

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

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

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

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

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

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

(13) "Elevated building" means a non-basement building

(a) Built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers),

(b) And adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(14) "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.

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

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

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

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

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

(20) "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).

(21) "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.

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

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

(24) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the

boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

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

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

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

(28) "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.

(29) "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.

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

(31) "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 sever storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

(32) "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.

(33) "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 flood plain management regulations.

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

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

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

(37) "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.

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

(39) "Historic Structure" means any structure that is:

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

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

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

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

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

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

(40) "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.

(41) "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.

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

(43) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

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

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

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

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

(49) "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 chapter.

(50) "100-year flood" see "base flood."

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

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

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

(53) "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.

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

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

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

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

(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 50 percent of the market value of the structure before the damage occurred.

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

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

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

(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 50 percent 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 chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

(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 chapter 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, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

14-303. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Signal Mountain, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard within the Town of Signal Mountain, Tennessee,

identified by the Federal Emergency Management Agency (FEMA), in its Flood Insurance Study (FIS) dated August 14, 2014, and the Flood Insurance Rate Map (FIRM), Community 470078, Panel Numbers 47065C0212G, 47065C0213G, 47065C0214G, 47065C0310G, 47065C0326G, and 47065C0327G, dated August 14, 2014, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter.

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

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

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

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

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

under state statutes.

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

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Signal Mountain, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #92-9, replaced by Ord. #2003-2, Jan. 2003, and amended by Ord. #2016-02, Jan. 2016)

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

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

(ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*

(iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofed criteria in § 14-304(2)(b), where base flood elevation data is available.*

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

*(see (b) below)

(b) Construction stage. Within unnumbered A zones, where flood elevation data are not available, the building inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the building inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such

review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

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

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

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

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

(d) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-304(2)(b).

(e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-304(2)(b).

(f) When flood-proofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with § 14-304(2)(b).

(g) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-306.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, 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 community FHBM or FIRM meet the requirements of this chapter.

(i) All records pertaining to the provisions of this chapter shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this chapter shall be maintained in a separate file or marked for expedited retrieval within combined files.

(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

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

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

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

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

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

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

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

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

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

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

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

(2) Specific standards. These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in § 14-303(2), the following provisions are required.

(a) Residential construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of § 14-305(2)(c).

(b) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed 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 registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the (building official) as set forth in § 14-304(2)(b).

(c) Elevated building. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood water to automatically equalize hydrostatic flood forces on exterior walls.

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

(A) Provide a minimum of two openings having a total net area of not less than one 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 above grade; and

(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) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(iii) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-305(2) of this chapter.

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

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

(A) The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

(B) The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

(C) In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of § 14-305(2)(d)(ii)(A) and (B) above.

(iii) All recreational vehicles placed on sites must either:

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

(B) Be fully licensed and ready for highway use; or

(C) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of § 14-305(2)(d)(i) or (ii)(A) and (B), above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of § 14-304(3)(h) shall be utilized for all requirements relative to the base flood elevation or floodways.

(3) Standards for areas of special flood hazard zones A1-30 and AE with established base flood elevation but without floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data provided but where no floodways have been provided, (zones A1-30 and AE) the following provisions apply:

(a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a 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 (1) foot 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 or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-305(2).

(4) Standards for areas of shallow flooding (AO and AH zones). Located within the areas of special flood hazard established in § 14-303(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 apply:

(a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

(b) All new construction and substantial improvements of nonresidential buildings shall:

(i) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,

(ii) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

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

(5) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-303(2) are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

(a) All provisions of § 14-304 and § 14-305(1) and (8) shall apply.

(6) Standards for areas of special flood hazard with established base flood elevation and with floodways designated. Located within the areas of special flood hazard established in § 14-303(2), where streams exist with base flood data and floodways provided, the following provisions apply:

(a) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) If § 14-305(6)(a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-305(2).

(7) Standards for unmapped streams. Located within Signal Mountain, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

(a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a 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 at any point within the locality.

(b) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-304(2)(b).

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

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

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

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

14-306. Variance procedures. (1) Board of zoning appeals.

(a) Creation and appointment. A board of zoning appeals is hereby established which shall be the existing board of zoning appeals appointed by the Signal Mountain Town Council. Vacancies shall be filled for any unexpired term by the Signal Mountain Town Council.

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

(c) Appeals: how taken. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this chapter. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, any appropriate fee for the cost of publishing a notice of such hearings shall be paid by the appellant. The building inspector shall transmit to the board of zoning appeals all papers constituting the record upon which the appeal action was taken. The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same

within a reasonable time which shall not be more than seven (7) 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 zoning appeals shall have the following powers:

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

(ii) Variance procedures. (A) The Signal Mountain Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Variances shall only be issued upon

(i) A showing of good and sufficient cause,

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

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates from flood insurance, and that such construction below the base flood level increases risks to life and property.

(d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (as added by Ord. #92-9, and replaced by Ord. #2003-2, Jan. 2003)

CHAPTER 4

DESIGN PRINCIPLES AND STANDARDS

SECTION

- 14-401. Intent and purpose.
- 14-402. General information.
- 14-403. Projects subject to review.
- 14-404. Definitions.
- 14-405. Appearance criteria.
- 14-406. Building design.
- 14-407. Scale and proportion of building elements.
- 14-408. Exterior forms and materials.
- 14-409. Building or roof mounted equipment.
- 14-410. Signage.
- 14-411. Submittal requirements.
- 14-412. Appeals process.
- 14-413. Project development contract.

14-401. Intent and purpose. (1) Intent. To create and maintain a comprehensive program of community beautification and improvement through its commercial buildings and properties by the establishment of guidelines for the development, construction, remodeling, or alteration of all non-single-family residential property within the Town of Signal Mountain.

(2) Purpose. (a) To maintain and enhance the property values and taxable value of property in the town.

(b) To maintain the town as a predominantly single-family residential community by protecting the character and integrity of present and future residential areas from encroachment by non-compatible land uses.

(c) To maintain a balance among land uses within the town by insuring that commercial, industrial and multi-family development do not impair the property values of single-family detached residential development within the town. (as added by Ord. #2012-3, Feb. 2012)

14-402. General information. In the case of any ambiguity or apparent conflict between the requirements of the Signal Mountain Design Principles and Standards, the zoning ordinance or other codes, ordinances or regulations, the more restrictive requirement shall govern. (as added by Ord. #2012-3, Feb. 2012)

14-403. Projects subject to review. (1) The following types of projects are subject to review by the design review commission for all categories of

construction except single-family residential detached structures regardless of the dollar value of the project:

- (a) New construction including site improvements and signage.
- (b) Moving a structure.
- (c) Demolition or change in use for land, buildings or buildings and land.
- (d) Planned unit developments.

(2) The following types of improvements or repairs are subject to review by the design review commission for all categories of construction except single-family residential detached structures where the gross area of the improvements or repairs exceeds twenty-five percent (25%) of the area of those same original improvements.

(a) Alteration of exterior appearance not to include painting or re-roofing unless colors change. Example: If the area of exterior building repair or replacement exceeds twenty-five percent (25%) of the total surface area of the building (excluding flat roofs) then the project is subject to the commission's review based on compliance with these principles and standards.

(b) Paving. Example: If the area of paving repair in a parking lot exceeds twenty-five percent (25%) of the original area of site improvements (i.e., paving, sidewalks, landscaping, curb work, etc.) then the project would be subject to the commission's review based on compliance with these principles and standards.

(c) Landscaping. (as added by Ord. #2012-3, Feb. 2012)

14-404. Definitions. (1) "Appearance." The outward aspect visible to the public.

(2) "Applicant." The party who has been assigned the rights by the owner to seek approval from the commission.

(3) "Appropriate." Sympathetic fitting the context of the site and the whole community.

(4) "Attractive." Having qualities that arouse interest and pleasure in the observer.

(5) "Berm." A raised form of earth to provide screening or to improve the aesthetic character.

(6) "Commission." The Signal Mountain Design Review Commission.

(7) "Compatibility." Harmony in the appearance of two (2) or more external design features in the same vicinity.

(8) "Council." The Signal Mountain Town Council.

(9) "Harmony." A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

(10) "Landscaping." Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

(11) "Owner." The term owner shall refer to the party, which by rights and responsibilities conveyed through title, lease or rental agreement is charged with the responsibility of providing the improvements described in these principles and standards. In the absence of any agreement the owner shall be defined as the person or entity that holds title to the land.

(12) "Proportion." The balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

(13) "Public amenity." An element, either natural or built, which is attractive and accessible to the public.

(14) "Scale." Proportional relationship of the size of parts to one another and to the human figure.

(15) "Shall." The term "shall" as used in the design manual indicates a requirement for adherence to the noted guidelines.

(16) "Should." The term "should" as used in the design manual indicates a strong desire by the commission to have the owner incorporate the noted ideas into the project. While not a mandatory requirement the user is strongly encouraged to follow the guidelines and the commission will look at the overall cooperation of the owner in final approval of plans where latitude is granted.

(17) "Sign." Any device, fixture, placard or structure affixed to, supported by or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol or writing to communicate information of any kind or to attract the attention of the public.

(18) "Siting." The process of placing a building and its related elements on a piece of property.

(19) "Streetscape." The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.

(20) "Town." The Town of Signal Mountain. (as added by Ord. #2012-3, Feb. 2012)

14-405. Appearance criteria. (1) Site design and layout. The relationship of a building to a site and the adjoining areas.

(a) Site planning with setbacks and yards in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings. Setbacks established as part of a Planned Unit Development (PUD) are also encouraged.

(b) Parking areas shall be treated with decorative elements, such as building wall extensions, plantings, berms or other innovative means to enhance the appearance of parking areas.

(c) Buildings and improvements on the site should be organized to minimize changes to existing topography and the loss of existing mature vegetation.

(d) Smooth topographic transitions should be provided at the edges of properties. Slope of 1:3 (rise to run) or shallower are encouraged but in no case shall slopes be steeper than allowed by ordinance or regulation.

(e) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks or similar materials.

(f) Attractive landscape transition to, or buffers from, adjoining properties shall be provided.

(2) Landscaping and site treatment. The overall landscape design should complement and contribute to beauty and utility of the development.

(a) Plant material shall be selected for its structure, texture, color, and its ultimate growth. Plants shall be hardy and harmonious to the design.

(b) Where healthy plant material exists on a site prior to its development, the commission may allow credit for such plant material if such an adjustment is in keeping with the intent of these standards and principles and provided that the existing plant material remains protected and ecologically healthy after the construction process.

(c) In areas where general planting will not prosper, other materials such as fences, walls, and paving of wood, brick, stone, river gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible. The owner also has the option to use any of the above materials in combination with planting to achieve a good visual image where planting alone is noted in this section.

(d) The perimeter of parking areas, or other vehicular use areas, bordering public streets or adjacent property should consist of a planting area at least ten feet (10') in depth. Exceptions may be made if such areas are screened visually from an abutting right-of-way or adjacent property. Landscaping in these areas is to include one (1) tree with a minimum caliper of two to two and one-half inches (2"-2 1/2") every twenty-five (25) linear feet or fraction thereof in combination with shrubbery.

(e) Off-street parking areas shall have at least five (5) square feet of interior landscaping for each parking space excluding those spaces abutting a landscaped perimeter or spaces that are directly served by an aisle abutting and running parallel to such a perimeter.

(f) As a general standard, there should be at least one (1) tree, of at least two and one-half inches (2 1/2") caliper, planted for each three hundred (300) square feet of parking area islands. The total number of trees shall not be less than one (1) tree every fifty (50) linear feet or fraction thereof of required interior landscaped area.

(g) Shrubbery should be used as a design element to transition from the vertical nature of trees or building elements to the horizontal portions of the site such as grass, paving and ground cover. Except for plants listed as "prostrate" type, the minimum spread of any shrubbery shall be eighteen inches (18").

(h) Grass areas may be seeded, sprigged, plugged or sodded in all areas except solid sod shall be used in swales, slopes greater than 1:3 or other areas subject to erosion.

(i) Shrubbery and ground covers shall be sized and spaced in a manner that will present a finished appearance with reasonably complete coverage, under normal growing conditions within one (1) year after planting.

(j) Where bark chips, mulch, pine needles or other non-living materials are used as a ground cover they shall be contained by use of perimeter curbing and properly sloped to prevent erosion.

(3) Plant installation, maintenance and irrigation. (a) Continued maintenance of landscaped area is the responsibility of the property owner. Planting plans must be maintained as originally designed and approved. Any diseased, dying or dead plants should be treated or replaced by the property owner.

(b) Irrigation is strongly encouraged to ensure adequate moisture in planting areas. Irrigation systems must be installed below-ground, with spray heads flush with the ground surface where they might pose a safety hazard. Exposed heads may be used in planting areas or other areas remote from normal pedestrian access. Irrigation is not required where the owner can demonstrate the proper use of vegetation found naturally in the native woods of Signal Mountain.

(c) When plant materials are installed, they shall be healthy plants installed according to accepted commercial planting procedures and maintained in a healthy condition.

(d) In locations where plants will be susceptible to injury by pedestrian or motor traffic, appropriate curbs, guards, barriers, or other devices shall protect them.

(e) Where planting cannot reasonably be accomplished before building occupancy the owner shall furnish a bond or other acceptable guaranty equal to the cost of all site landscaping to the Town of Signal Mountain guaranteeing the installation at the first season when installation can reasonably be expected to produce healthy plants.

(4) Screening. Screening may be accomplished by using fences and/or planting:

(a) Service yards, garbage collection areas, utility meters, heating and air-conditioning equipment, outside equipment storage, vending machines and other places that tend to be unsightly shall be screened by use of walls, fencing, planting, or combinations of these.

(b) Screening shall be equally effective in winter and summer.

(c) Opaque screening at least six feet (6') in height shall enclose garbage collection areas. In the event that the collection areas enclose dumpsters or other equipment, the screening should be at least two feet (2') taller than the equipment, and not less than six feet (6') in height.

(d) The maximum heights of fences should generally be six feet (6'), except for tennis court fences, which may be ten feet (10') and fencing at garbage collection areas. The use of chain link, plastic or wire fencing is not permitted for fences in yards abutting streets.

(e) Fences designed to create privacy or separations should be made of materials compatible with the designs of the building.

(f) Solid fences should not create a stockade appearance. The use of offsets and adjacent planting is encouraged. Fences facing streets shall have no more than forty feet (40') in a straight line unless appropriate landscaping treatment and/or design elements create unusual breaks to eliminate the straight-line appearance.

(g) Screening by plantings requires the use of evergreen plants to provide effective year round screening. Evergreen screening may be enriched with plants having seasonal color variation.

(h) When a berm is used to form a visual screen in lieu of, or in conjunction with other screening elements; such berm shall be completely covered with shrubs, grass or other living ground cover.

(i) Changes in elevation or earth berms may be used along the perimeter of parking areas to reinforce planting screens. The slope of earth should not exceed 1:3 rise to run, and should be densely planted with ground cover or shrubs to prevent erosion.

(5) Miscellaneous landscaping requirements. (a) All required landscaping, except planting covered by a bond or other acceptable guaranty, shall be in place prior to final inspection and approval by the building inspector. On-site areas adjacent to streets and the front lawn areas must be established or be sodded prior to occupancy of the project.

(b) No landscaping element or similar item shall be installed or maintained in the vicinity of any corner, street, intersection or access way intersecting a public right-of-way that, in the opinion of the commission or building inspector is an obstruction to visibility or is a traffic hazard.

(c) Where site runoff requires detention areas, the areas should be attractively designed.

(6) Site lighting. Exterior lighting and building fixtures shall be of a design and size comparable with the building and adjacent areas.

Lighting shall be restrained to avoid excessive brightness. Site lighting in excess of twenty (20) footcandles shall not be allowed except under canopies where motor fuels are dispensed, under covered walkways, for automated bank tellers or other similar uses that require a higher light level by a regulatory agency.

(7) Parking and paved areas. The visual impact of parking areas should be subdued.

(a) Parking areas should be organized as a series of small parking bays with planted islands separating them. As a general guideline, no more than ten (10) contiguous parking spaces are recommended.

(b) If, in the opinion of the commission, bicycle traffic is anticipated parking facilities should be provided within commercial or retail areas. These facilities should not interfere with pedestrian movement.

(c) The bumper overhang of a vehicle may encroach upon any interior landscaped area when said area is at least three and one-half feet (3 1/2') in depth per abutting parking space and protected by wheel stops or curbing. Two feet (2') of said landscaping area may be part of the required depth of each abutting parking space.

(d) Preservation of existing healthy trees in parking areas is encouraged.

(e) Parking areas shall be paved with asphalt, concrete, or masonry materials. Asphalt shall not be used for paving sidewalks. (as added by Ord. #2012-3, Feb. 2012)

14-406. Building design. (1) While a diversity of architectural styles is encouraged, structures generally should be domestic in scale and be compatible with the character of the single-family community.

(2) Lengthy unbroken facades should be avoided. As a general guide, the maximum horizontal length of an unbroken facade plane should be fifty feet (50') in residential districts, and seventy-five feet (75') in commercial and office districts. Facade offsets should be sufficient to create a strong shadow line.

(3) Roofs should project beyond the facade. Flat roofs are discouraged, but if flat roofs are used a quality cornice line shall be used. (as added by Ord. #2012-3, Feb. 2012)

14-407. Scale and proportion of building elements. (1) Buildings and structures shall be designed based on accepted architectural principles for scale, mass, rhythm and proportion.

(2) The height, width and proportions of a building should create a pleasing visual experience with the other buildings and open spaces in the immediate vicinity.

(3) The height and width of roofs should project beyond the facade. Flat roofs are discouraged, but if flat roofs are used a quality cornice line shall be used. Building elements such as doors, windows and other openings shall have scale and proportions that are in harmony with the building yet create a strong human scale. (as added by Ord. #2012-3, Feb. 2012)

14-408. Exterior forms and materials. (1) The commission requires building materials that are lasting in quality, residential in scale, have good architectural character and appearance.

(2) Durable grades of materials such as stone, brick, wood and stucco are preferred. Synthetic and imitation materials are generally considered inappropriate but may be approved on a case-by-case basis. EIFS Systems (proprietary names of "Sto" or "Drivit") are acceptable equals to stucco.

(3) The use of windows and doors similar in appearance to those used in residential structures is encouraged. Large expanses of glass are discouraged unless they are broken up into smaller components by the use of window mullions.

(4) Painted or factory finished metal should be used with great care and is normally only acceptable for windows, doors, roofs and trim preferably in non-metallic colors. Metal siding is generally considered unacceptable.

(5) Plywood and hardboard siding should be avoided unless it is broken up into smaller components by the use of reveals, battens or other design features.

(6) Large expanses of concrete shall be avoided unless the scale of the material is reduced through the use of offsets and texture.

(7) The use of standard three-tab shingles are normally not acceptable but will be considered on a case-by-case basis. Dimensional asphalt/fiberglass shingles, cedar shakes, slate, or metal shingle or seam roofs are acceptable. (as added by Ord. #2012-3, Feb. 2012)

14-409. Building or mounted equipment. (1) All roof and building-mounted equipment such as air-conditioning units, exhaust fans, vents, satellite dishes, and other similar devices be fully screened from public view. Screening materials shall be of the same general character and compatible with the materials used for walls and roofs.

(2) Building lighting requirements noted under "Site lighting" shall also apply to building lighting.

(3) The use of custom hardware, which is in character with the building development, is encouraged over the use of standard, prefab hardware. The use of custom enclosures is also encouraged.

(a) Customized hardware. Miscellaneous structures and hardware such as mailboxes, trash receptacles, benches, and grocery cart racks, bicycle racks, planting pots, etc. shall be designed to be part of the design concept for the building development.

(b) Standard hardware. It is recognized that some hardware such as newspaper vending machines, ice machines and soft drink vending machines cannot be easily customized. However, unless properly screened or enclosed these types of devices shall be factory or field-painted with muted colors and have all backlighting covered or removed.

(c) Exceptions. Utility buildings used for the storage of equipment or supplies where the equipment or supply storage is not the primary function of the business may use metal building components and discard other subsections of the section of "Building design" providing that the building is completely screened with berms or permanent evergreen vegetation and is not visible from any public access or private residence. (as added by Ord. #2012-3, Feb. 2012)

14-410. Signage. Applicants are urged to study the sign regulations for specific requirements on sizes and dimensions, types, siting restrictions and other requirements. Signs in Signal Mountain are controlled in order to preserve and not detract from the natural surroundings of the community. For submittal requirements for signage see Signal Mountain Code, title 14, chapter 5.

(1) Sign types. (a) Ground-mounted signs are to be integrated into the landscaping plan.

(b) Building directory signs should not be apparent from the street, but should be designed to direct people to individual tenants once they have reached the building.

(c) Signs mounted on buildings should be integrated with the architecture of the building, and generally should not project above or beyond the drip line of sloped roof buildings. They should be placed on the building background or other neutral surface and be located either above windows, adjacent to entry doors, or on surfaces such as fascias specifically designed for signage.

(d) Traffic directional signs should incorporate conventional instruction and symbols but should be integrated in form and character with other signage or landscape elements on the site. Standard painted steel "hat channel" posts are not acceptable. (Research to see if meets FED standards.)

(e) Signs identifying miscellaneous structures and hardware as defined in Section 206¹ shall be displayed on the surface of the device in

¹Ord. #2012-3 referred to Section 206. This section was previously found in Appendix C, The Signal Mountain Design Review Commission Design Principles and Standards, which was moved and replaced by Ord. #2012-3. Section 206 is referred to in its entirety below:

206 Miscellaneous Structures and Hardware

206.1 Design Intent. The use of custom hardware which is in character with the building development is encouraged over the use of standard, prefab hardware. The use of custom enclosures is also encouraged.

206.2 Types Customized. Miscellaneous structures and hardware
(continued...)

such a manner that they do not "shout" for attention. Where several similar devices are used such as newspaper vending machines the signage shall be consistent and uniform.

(2) Design criteria. (a) Signage should be consistent in size, material and location within each development. Signs should be designed as an architectural element of the building and should reflect or complement the architectural style of the building.

(b) Signs can consist of individual letters and numbers. The use of logos or some graphic elements may be permitted. Generally such graphic elements are restricted to no more than ten percent (10%) of the sign area. Small signs (less than twelve (12) square feet) may be monolithic particularly where the size and style of the framing adds richness to the final appearance.

(c) Illumination of signs, where permitted, should be shaded, shielded, subdued or directed so that the light intensity will not create glare or be objectionable to surrounding areas. Exposed bulbs are not allowed.

(d) Signs should not attract attention excessively. Specifically precluded are signs that are an imitation of traffic signals or may be confused with them; have moving parts; are changing, blinking, flashing or fluttering; have reflective materials, pulsating light or strobe lights or are beacons.

(e) Signs shall be self-supporting without the use of guy wires or unsightly bracing. (as added by Ord. #2012-3, Feb. 2012)

14-411. Submittal requirements. (1) Applicants are encouraged to submit preliminary information at the schematic design phase of a project to allow preliminary review before a large investment has been made in construction documents. Failure of the applicant to submit preliminary plans will not relieve him/her of compliance with requirements of the design standards. While the commission will endeavor to make appropriate comments and recommendations at the preliminary phase, this early review will not

¹(...continued)

such as mailboxes, trash receptacles, benches, grocery cart racks, bicycle racks, planting pots, etc. shall be designed to be part of the design concept for the building development.

206.3 Standard Hardware. It is recognized that some hardware such as newspaper vending machines, ice machines and soft drink vending machines cannot be easily customized. However, unless properly screened or enclosed these types of devices shall be factory or field-painted with muted colors and have all backlighting covered or removed.

eliminate the requirement for a final review and approval by the commission prior to any construction.

(2) Minimum final submission documentation. All illustrations shall be drawn to scale.

(3) New construction, remodeling and renovation. Two (2) sets of the following information shall be submitted to the building official at least eleven (11) days prior to a regularly scheduled meeting of the commission. The information shall be complete enough to illustrate all design information, dimensional data, and quality of materials, colors, and textures. Where remodeling or renovation is planned the unaffected items may be deleted from the submission if color photographs are provided indicating all present conditions:

- (a) Site plan including topographic elevations and property improvements.
- (b) Site landscaping plan indicating all planting, screening, and fencing, etc.
- (c) Site utility plan indicating drainage, exterior lighting, and all utility services.
- (d) Exterior elevation drawings of all sides of the building.
- (e) Sample boards indicating materials, colors and textures of the exterior.
- (f) Garbage collection point and proposed screening.
- (g) Parking layout.
- (h) Master signage plan. If the structure is a multi-tenant facility, a master sign plan shall be submitted indicating all proposed signs with locations, sizes, styles, and types of messages. The approved master sign plan will be the basis for approval of all subsequent tenant signs. Single-tenant buildings shall meet the signage submittal requirements of the sign regulations (title 14, chapter 5, § 14-503).
- (i) Floor plans (or similar drawings of exterior walls) in sufficient detail to indicate all perimeter offsets.
- (j) Construction manuals or specifications where detailed information is not indicated in other documents.
- (k) Vicinity plan indicating buildings in adjacent lots with photographs of those structures.

Note: It is the intent of the commission to review the applicant's information promptly. However, the commission review and approval is only one step in the construction process. In no case may construction start without all required regulatory agency permits and approvals including a building permit from the Town of Signal Mountain. (as added by Ord. #2012-3, Feb. 2012)

14-412. Appeals process. Applicants whose plans are conditionally approved or are disapproved by the commission may appeal the commission's action to the town council. Appeals to the council shall be filed with the town

manager ten (10) days prior to the next regular meeting of the council not more than sixty (60) days after the date of the commission's action. The members of the commission will be notified of the appeals request and will be given the opportunity to address the council. The council, after hearing all parties who desire to be heard, shall approve, approve with conditions, or not approve the application by a written statement setting forth the reasons for its action. If the council approves or conditionally approves the application, the building official may issue the building permit forthwith provided that the applicant has complied with the terms of approval or conditional approval; with other provisions of this section, and with all other codes, ordinances, regulations and procedures regarding building permits. (as added by Ord. #2012-3, Feb. 2012)

14-413. Project development contract. A project development contract incorporating, among other elements, any conditions or requirements imposed on the applicant pursuant to this chapter, must be executed by and between the commission and the applicant or, when appealed and approved, between the council and the applicant before a building permit can be issued for any development outlining the requirements in writing, in addition to any drawings or sketches.

Copies of the project development contract to be executed after commission or council approval of the project are available from the town office. (as added by Ord. #2012-3, Feb. 2012)

CHAPTER 5

SIGN REGULATIONS

SECTION

- 14-501. Intent and purpose.
- 14-502. Definitions.
- 14-503. Application procedure.
- 14-504. Review process.
- 14-505. Exempt signs.
- 14-506. Prohibited signs.
- 14-507. Banners.
- 14-508. Design principles and guidelines.
- 14-509. Allowable signage.
- 14-510. Types of signs.
- 14-511. Determining sign area.
- 14-512. Sign height and clearance.
- 14-513. Sign illumination.
- 14-514. Non-conforming signs.
- 14-515. Appeals.
- 14-516. Variances.
- 14-517. Sign maintenance.
- 14-518. Enforcement.
- 14-519. Abandoned signs.
- 14-520. Penalties.

14-501. Intent and purpose. The town recognizes and supports the rights of businesses, services, organizations and residents to identify themselves or their products, activities and services. The intent of these regulations is to protect residential property values and to create and maintain an attractive and successful business community by avoiding the wasteful and unsightly competition of signage within the town.

The purpose of these regulations is to establish criteria as to the size, height, design, quality of materials, construction, location, illumination and maintenance of signs and sign structures. These regulations are further established to regulate commercial and private signage and lighting that may overload the public's capacity to receive information as well as to protect the public health, safety and welfare by decreasing the probability of accidents by distracting attention or obstructing vision.

Signage that directs persons to various businesses, services and activities that is in keeping with the quality and character of the community will enhance the community's economic value and coordinate the mutual desire of the business and residential communities to maintain, preserve, and enhance the scenic and natural beauty of the Town of Signal Mountain.

In the case of any ambiguity or apparent conflict between the requirements of the Signal Mountain Design Principles and Standards, the sign regulations, the zoning ordinance or other codes, ordinances or regulations, the more restrictive requirement shall govern.

In addition to these regulations, all state, federal and local fire, building and safety codes shall apply as well. Provisions for the administration, enforcement and appeals of these regulations are included, as well as provisions for the elimination of non-conforming signs. (as added by Ord. #2012-3, Feb. 2012)

14-502. Definitions. The following words and phrases, as used in this chapter, shall have the meanings ascribed to them in this section:

(1) "A-frame sign." Any two-sided sign including sandwich boards, hinged or attached at the top of the sign panels, identifying, advertising or directing attention to a business, product, operation or service sold or offered in the building in front of which the sign is located during business hours.

(2) "Abandoned sign." Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, missing letters or which is otherwise dilapidated, unsightly, unkempt, and for which no person accepts maintenance responsibility or a sign for a business that is out of business for over thirty (30) days.

(3) "Animated sign." Any sign, or part of a sign, that uses movement or change of lighting or color to depict action or create a special effect or scene.

(4) "Audible sign." Any sign that emits a sound that is audible or emits a signal that can be converted into audible sounds, whether by radio or other means.

(5) "Awning/canopy sign." Any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. This definition does not apply to automotive service stations.

(6) "Banner." A temporary sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame.

(7) "Beacon." Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

(8) "Billboard." A freestanding sign containing information for an off-site business or organization with an area of more than one hundred twenty (120) square feet.

(9) "Business." An organization or enterprising entity engaged in commercial, industrial or professional activities.

(10) "Changeable copy sign, manual or electric." Any sign that incorporates changing lights, lettering or images to form a sign message or messages, whether such changes are accomplished electronically, automatically

or manually and whether or not the message is composed of electrically illuminated segments. This definition includes marquee, reader boards and electronic message boards.

(11) "Channel letter." A fabricated or formed three-dimensional letter.

(12) "Commerce center." A building or buildings on a single lot occupied by two (2) or more businesses.

(13) "Directional sign." An on-premise sign whose message is exclusively limited to guiding the circulation of motorists and/or pedestrians.

(14) "Directory sign." Used for multi-tenant buildings to provide a directory of tenant locations within the building.

(15) "Flag." Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other legal entity or legally organized organization.

(16) "Flashing sign." A sign with illumination that is not kept constant in intensity at all times when in use and that exhibits marked changes in lighting effects.

(17) "Freestanding sign." Any sign supported by stanchions or supports that are placed on or anchored in the ground that is independent from any building or other structure.

(18) "Glazing." Sheets of glass including framing set into windows and doors on a given wall. See "window."

(19) "Graffiti." Unauthorized writing or drawing on the facade of any building, sign, path, accessory structure, wall, fence or other site element.

(20) "Graphic design." Any artistic design or portrayal depicted on an exterior wall, fence, awning, window or other structure which is visible from any public right-of-way, and which has as its purpose artistic effect, and not the identification of the premises or the advertisement or promotion of the interests of any private or public firm, person, or organization.

(21) "Height." The height of a sign shall be measured from the ground adjacent to the sign to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself.

(22) "Illuminated sign, external." A sign illuminated by an external light source.

(23) "Illuminated sign, internal." A sign illuminated by an internal light source.

(24) "Light, full cut-off." A luminaire that has no direct up-light (i.e., no light emitted above horizontal).

(25) "Light, fully shielded." A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

(26) "Light-box sign." A cabinet-type fixture.

(27) "Lot." A parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the provisions of the zoning ordinance.

(28) "Marquee sign." A sign with changeable copy placed on any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

(29) "Menu board sign." A permanently mounted sign displaying the type and price of food and beverages for a drive-through restaurant.

(30) "Monument." A freestanding sign with a base width greater than or equal to the width of the sign face.

(31) "Moving sign." A sign that revolves, rotates, swings, undulates or otherwise attracts attention through the structural movement of parts.

(32) "Multi-tenant." One (1) or more buildings, located on a single premise or development, containing two (2) or more separate and distinct individual establishments that occupy separate portions of the building or buildings and are physically separated from each other by a demising wall, a boundary that separates one tenant's space from that of the other and from a common corridor.

(33) "Multiple-faced sign." A sign constructed to display its message either on a curved surface or on two (2) or more planar surfaces.

(34) "Nameplate." A sign with a message that identifies only the name and/or address of the occupant.

(35) "Neon sign" and "faux neon." Signs made using electrified, luminous tube lights that contain rarefied neon or other gases or backlit signs that have the appearance of using electrified, luminous tube lights that contain neon or other gases.

(36) "Non-conforming sign." A non-conforming sign is a sign that was lawfully installed prior to the effective date of these regulations, or a subsequent amendment thereto, that as a result no longer conforms to the sign regulations.

(37) "Off-site sign." Means a sign that is not an "on-site sign."

(38) "On-site sign." Means a sign located on the same parcel of land from which the product, service or activity described by the sign is made available.

(39) "Pennant" or "streamer." Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

(40) "Permanent sign." Any mention of a sign in this chapter shall be considered to mean "permanent sign" unless a time limit is specified or such sign is referred to as a "temporary sign."

(41) "Permit." A sign permit reviewed, approved and issued by the Town of Signal Mountain.

(42) "Permittee." The person and/or entity owning or leasing the land on which the sign is to erected or for which an application has been submitted.

(43) "Person." A natural or legal entity including a firm, organization, partnership, trust and corporation.

(44) "Pole sign." A freestanding sign mounted on a single-structural support.

(45) "Political sign." A sign with a message advocating a particular candidate, party or proposition.

(46) "Portable sign." A sign that is not permanently affixed to the ground or a structure and is designed to be moved from place to place. Examples include A-frame signs or sandwich boards that are self-supporting after setup.

(47) "Post and panel." A freestanding sign supported by more than one (1) structural support.

(48) "Principal building." The building where the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

(49) "Projecting sign." A sign erected upon a building wall or canopy and projecting more than twelve inches (12") outward from the plane of the building face.

(50) "Public sign." All classes of government signage including but not limited to traffic, health and public safety; crime control and prevention; official notices or advertisements related to any court action; the location of underground utilities; and any other community service sign approved by the town.

(51) "Reader board sign." A sign constructed to display an advertising message that may be changed by manual, electronic or other manipulation of letters or numbers on its face(s).

(52) "Real estate sign." A temporary sign with a message announcing the offer to build on, sell, rent or lease the premises upon which it is displayed.

(53) "Right-of-way." Public property or easement in which signage is regulated by the federal provisions of the "Manual of Uniform Traffic Control Devices."

(54) "Roof sign." Any sign erected and constructed wholly on and over the roof of a building or supported by the roof structure.

(55) "Sign." Any device, fixture, placard or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol or writing to communicate information of any kind or attract the attention of the public.

(56) "Sign face." The part of a sign that is or can be used for advertising or informational purposes.

(57) "Sign kiosk." A freestanding bulletin board having three (3) or more faces intended for the posting of temporary flyers or notices.

(58) "Special event sign." A temporary banner or sign with a message identifying a civic or public event or holiday.

(59) "Subdivision/residential development entrance features." Any permanent wall, fence, building or architectural element constructed to mark the entrance of a subdivision or other residential development located in a sign easement, common area or private property.

(60) "Subdivision/residential development entrance sign." A sign that identifies a subdivision or residential development by name that is part of or placed on an entrance feature located in a sign easement, common area or on private property at the entrance of the subdivision or residential development.

(61) "Temporary sign." Any sign of non-permanent nature.

(62) "Town council." The Town Council of the Town of Signal Mountain.

(63) "Town." The Town of Signal Mountain.

(64) "Vehicle sign." A vehicle sign is a sign attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, inspection and registration stickers as well as "For Sale" signs as related to the sale of that vehicle.

(65) "Wall sign." Any sign attached parallel to a wall or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, that displays only one (1) sign face.

(66) "Water tower." A tower or standpipe serving as a reservoir to deliver water at a required head whether in use, no longer in use or an architectural feature.

(67) "Window." The uninterrupted aggregate of the glazing including framing set into windows and doors on a given wall. See "glazing."

(68) "Window sign, permanent." A sign that is affixed to the interior of the window or within three (3) feet of the interior of the window that is visible from the exterior of the structure and that includes lettering, logos, gaseous illuminated "Open" signs or other informational signage. Merchandise displayed for sale is excluded.

(69) "Window sign, temporary." Signs or banners of a temporary nature either interior or exterior such as "grand opening," "going out of business" and "special sales" or "promotions." See § 14-507 (Banners) of this chapter for guidelines. Note temporary commercial window signage shall not exceed fifteen (15) square feet.

(70) "Yard sign." A temporary sign displayed on the days when a garage sale, yard sale, moving sale, estate sale or similar event involving the occasional sale of used household goods on residential property occurs. A yard sign may also publicize the arrival of a baby, the participation of a family member in an activity or sport or may give directions to a special event. (as added by Ord. #2012-3, Feb. 2012, and amended by Ord. #2013-08, May 2013, and Ord. #2014-09, Oct. 2014)

14-503. Application procedure. (1) General. All signs regardless of zoning designation shall be subject to review by the Town of Signal Mountain Design Review Commission. The only exceptions to such review shall be for signs which are eligible for administrative approval per § 14-504(1) of these regulations, or signs listed under "exempt signs" per § 14-505 of these regulations; or signs undergoing normal maintenance in conformance to their original appearance shall not require DRC review or approval.

Application forms to apply for DRC sign permits are available at the town hall. Applicants are advised to consult the building official and familiarize themselves with the sign regulations prior to the purchase or the installation of any signage.

Note: Signs requiring construction of posts, pedestals, bases or other framework shall also require a building permit that the building official will also issue upon the approval of a proposed sign by the DRC.

(2) Application for sign permit. The owner or his designated agent shall submit an application and all required documentation for a DRC sign permit along with the appropriate fee to the building official for referral to the design review commission. The building official will notify both the DRC and the applicant of the day and time of the hearing and confirm their ability to attend.

A completed application along with one (1) paper copy and one (1) PDF of the following documentation are required for DRC review:

(a) A written description of the desired signage. The description may be brief, but shall include information on existing conditions and each element of the overall project.

(b) Fully labeled color photographs of the property and proposed signage locations.

(c) Scaled drawings of proposed signage:

(i) Drawings for wall signs must include a scaled drawing of the building face on which the signage will be placed.

(ii) For freestanding signs, a site plan must include the location of signage and the relationship to existing buildings and other site features on the property.

(d) A list of proposed materials and colors, including manufacturer's specifications. If possible, materials/samples should also be brought to the meeting.

(e) Information illustrating the design and type of lighting, if any, including detailed manufacturer specifications of the fixture shall be submitted.

(3) Application for subdivision/residential development entrance features. Copies of construction plans and elevations for subdivision entrance structures or features shall be submitted to the town building inspector with specific identification of proposed location, property lines, setbacks, distances from rights-of-way, measurements, and materials to be used prior to submittal

to the town design review commission. No construction of improvements at the entrance of any subdivision or residential development shall begin prior to the review and approval of the design review commission. (as added by Ord. #2012-3, Feb. 2012, and amended by Ord. #2014-09, Oct. 2014 and Ord. #2015-07, Oct. 2015)

14-504. Review process. The building inspector shall determine whether or not an application for signage is complete (see § 14-503(2)). If not completed, the building inspector shall defer the application and inform the applicant that more information is necessary before the review process can begin. The building inspector will issue no more than one (1) deferral until the next meeting of the DRC due to an incomplete application. Thereafter, the applicant must reapply.

Upon receipt of a complete application, the building inspector will determine if the proposed signage meets the criteria for administrative approval or must be submitted to the DRC for approval.

(1) Administrative approval process. If the building inspector receives a completed sign application for a new or replacement sign for an existing building, the inspector may approve the application administratively without DRC review. However, any signs proposed when done in conjunction with a broader renovation or rehabilitation of an existing building will be referred to the DRC for approval. The building inspector may only administratively approve or deny signs and issue sign permits for applications which meet the objective criteria of this section and the building inspector reserves the right to refer any sign, particularly those with unusual or questionable characteristics, to the DRC for review and approval. Signs denied by the building inspector through the administrative approval process are automatically referred to the DRC for consideration at the next meeting of the DRC.

(2) Design review commission review process. Within sixty (60) days of the receipt of a completed sign application the DRC shall act to approve, deny, defer, or conditionally approve the proposal and instruct the building inspector to issue or deny a sign permit. The DRC shall set forth in writing its decision to approve, deny, or conditionally approve the proposal for signage as well as the factual reasoning supporting it.

In cases of disapproval or conditional approval by the DRC, the DRC shall advise the applicant of the right of appeal to the town council provided in § 14-515 (appeals) of this chapter. The DRC shall submit written comments to the town council prior to its scheduled hearing of an appeal as to how the disapproved or conditionally approved signage could be modified to meet the requirements set forth in this chapter which shall be retained as part of the record of the town council on any appeal. The town council shall consider the written comments and the testimony of any witnesses concerning the denial or conditional approval of any proposed signage timely appealed from the DRC.

Graphic design and graphic elements, as part of the sign face, such as sign color, font, logo, text, shape and pictures are not reviewed by the town staff

or DRC unless as determined by the building inspector. This exemption from review does not include the structures supporting the sign or sign lighting. (as added by Ord. #2012-3, Feb. 2012, replaced by Ord. #2013-08, May 2013 and Ord. #2015-07, Oct. 2015, and amended by Ord. #2015-09, Oct. 2015)

14-505. Exempt signs. The following signs may be erected without a sign permit when non-illuminated (except where specified), containing a characteristic of an approved sign, containing no reflective paint, and when complying with the height and size limitations specified.

(1) Up to four (4) permanent directional signs, not to exceed four (4) square feet each, whose message is exclusively limited to directing and guiding traffic and parking on private property are allowed. Such signs shall be durable and may be in the shape of a square, rectangle, circle, arrow or oval, but may not display a logo. Directional signage does not include arrows or other markings on pavement.

(2) Yard signs, not to exceed four (4) square feet, may be erected for not more than one (1) week during any consecutive ninety (90) day period.

(3) Flags and insignia of any government except when displayed in connection with a commercial promotion.

(4) Non-illuminated signs located on private property that cannot be seen from a public street or right-of-way.

(5) Legal notices and warnings, regulatory, informational or directional signs erected by any public agency or utility.

(6) Any sign, unlighted, not exceeding two (2) square feet in area and bearing only property numbers, mail box numbers, and the name and owner or occupant of the premises.

(7) Holiday decorations in season whose purpose is not advertising.

(8) Integral decorative or architectural features of buildings, including signs that denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface, implanted with a metal plate, and not exceeding four (4) square feet.

(9) Changeable copy portion of signs for automobile service stations or other establishments engaged in the retail sales of gasoline, provided that the changeable copy area does not exceed eight (8) square feet in area. Any such changeable copy portion shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps or flat mounted against the wall of a building.

(10) Political signs, each not exceeding four (4) square feet, located on private property with the owner's permission.

(11) One (1) residential on-site real estate sign not to exceed nine (9) square feet or one (1) commercial on-site real estate sign not to exceed fifteen (15) square feet. Neither shall exceed four feet (4') in height.

(12) One off-site real estate sign when the location of the dwelling is not viewable from the intersection of a public street and the access way to the

parcel, provided that the sign is located within twenty-five feet (25') of the public street intersection, and that written permission of the property owner is secured.

(13) Cornerstones and historical markers not to include memorial plaques that require DRC review (see Signal Mountain Code, title 20, chapter 6, "Signal Mountain Donation Policy,"¹ § 20-605).

(14) [Deleted.]

(15) A-frame or sandwich board sign no greater than eight (8) square feet per face limited to one (1) per business with an erasable surface such as chalkboard or dry-erase board for use to direct attention to daily specials during business hours.

(16) Vehicle signs, when the vehicle is licensed and/or owned and operated by the owner of the property or by a leaseholder of the property, in residential zones.

(17) Vehicle signs in commercial zones that meet the following conditions:

(a) Vehicle is licensed and/or owned and operated by the owner of the property or by a leaseholder of the property.

(b) Vehicle is in operating condition, currently registered and licensed to operate on public streets.

(c) Signage is placed upon the vehicle.

(d) Vehicle is parked in a designated parking space and is not used as a stationary display sign.

Note: The intent of this exemption is to allow business owners/operators to park company vehicles on their property and/or in close proximity to their businesses, but to prohibit them from using their vehicles as signage. (as added by Ord. #2012-3, Feb. 2012, and amended by Ord. #2013-08, May 2013)

14-506. Prohibited signs. A prohibited sign is defined as any sign not specifically identified in these regulations as a permitted sign. The following signs and sign characteristics shall be prohibited:

(1) Fringe, twirling, or portable display signs, streamers or air or gas filled figures.

(2) Promotional beacons, searchlights or laser lights or images.

(3) Audible signs.

(4) Signs in a public right-of-way other than those belonging to a government or public service agency.

¹Ord. #2012-3 referred to chapter "Donation Policy." The correct name of this chapter is "Signal Mountain Donation Policy" and has been corrected.

- (5) Signs mounted on trees, utility poles, water towers or other similar structures, architectural features, traffic signals or traffic control boxes or cell towers.
- (6) Signs mounted on top of a roof or false roof structure.
- (7) Signs erected upon trailers or portable rigs with intent to promote a business.
- (8) Signs that depict lewd or sexually explicit material.
- (9) Signs that advertise an activity that is illegal under federal, state or local laws.
- (10) Signs in poor repair, in violation of codes or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures or missing letters.
- (11) Abandoned signs.
- (12) Animated signs, flashing signs, and rotating signs.
- (13) Changeable copy signs, manual or electronic, excluding price signs at automobile service stations.
- (14) Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
- (15) Graffiti.
- (16) Sign kiosks or signs with three (3) or more faces except for government signs located in parks or at trailheads.
- (17) Signs attached/painted on natural objects such as rocks, boulders, etc.
- (18) Marquee signs.
- (19) Billboards.
- (20) Signs erected in such a manner that any portion of the sign or its support is attached to or may possibly interfere with the free use of any fire escape, entrance, exit or standpipe or that will or may obstruct any required stairway, door ventilator or window.
- (21) Signs erected that will or reasonably might interfere with, obstruct, confuse or mislead vehicular traffic.
- (22) Signs with flashing or alternating lights or changing colors.
- (23) Signs constructed to incorporate wind-blown materials, moving parts or the appearance of motion by use of flashing or reflected light or other devices except for time/temperature, which may be permitted.
- (24) Light box or cabinet type signs whether lit or unlit.
- (25) Internally lit channel letters (not to include backlit).
- (26) Signs attached to or painted on a vehicle parked and visible from the public right-of-way unless it is used for transporting people or materials in the normal day-to-day operations of the business.
- (27) Vehicle signs that do not meet the requirements of "Exempt signs."
- (28) Pole signs.

(29) Lighted window signs except as allowed by § 14-409(c)(ii), One (1) lighted, but non-moving, blinking, or flashing "Open" sign of a type not prohibited by this chapter that shall not exceed four (4) square feet and shall be counted as a percentage of the interior sign allowance. (as added by Ord. #2012-3, Feb. 2012, and amended by Ord. #2013-08, May 2013, and Ord. #2013-14, Aug. 2013)

14-507. Banners. All banners are temporary, and no banner may exceed twenty-five (25) square feet regardless of use or zoning.

(1) Temporary commercial banner permit. The building official shall issue temporary banner permits for new or relocating businesses, special business advertising or for special private events as follows:

(a) New or relocating business. The building official shall grant one (1) temporary banner permit to a new or relocating business for a period of eight (8) weeks in lieu of a permanent sign. Concurrently, business owners shall apply to the DRC for a permanent sign permit.

(b) Business advertising. Businesses located in commercial zones may also apply for a temporary banner permit for advertising purposes restricted to the following:

(i) Permits may be granted no more than four (4) times a year.

(ii) Temporary banners may be displayed for no more than fourteen (14) consecutive days.

(iii) Temporary banners will be removed promptly. If not, the town will remove them for a charge of ten dollars (\$10.00) to be paid by the permittee.

(2) Temporary special event banner permit. The building official shall grant temporary banner permits to nonprofit, educational, religious or civic organizations for publicizing special events restricted to the following:

(a) A contact person responsible for oversight must be named in the permit.

(b) Permits may be granted no more than four (4) times a year.

(c) Temporary banners may be displayed no more than fourteen (14) consecutive days.

(d) Temporary banners will be removed promptly. If not, the town will remove them for a charge of ten dollars (\$10.00) to be paid by the permittee. (as added by Ord. #2012-3, Feb. 2012)

14-508. Design principles and guidelines. (1) Location. Signs for individual businesses should be integrated into the face of the building. The size and shape of the signs should be compatible with the overall design of the building. Signs should not obscure architectural details on the building face. Signs should be installed on vertical surfaces and not project higher than the

roofline. Ground mounted signs should be incorporated into the overall landscaping plan and should be located as close as feasible to the ground.

(2) Size. Signs should maintain a modest scale. Signs need to be large enough to be legible, but oversize signage can create distractions for motorists and otherwise create nuisances for adjacent property owners.

(3) Consistency. Signs within a commercial development should maintain a high level of visual consistency in size, material and location within the architecture of the building and among other separate signs. Signs should be designed as an architectural element of the building and should reflect or complement the architectural style of the building.

(4) Design. Simple shapes are preferred for all signage as is high-quality graphic design that is easily legible. Signs can consist of individual three-dimensional letters and numbers. The use of logos or some graphic elements may be permitted.

(5) Construction. Signs shall be constructed of durable materials such as stone, brick, wood and wood simulating materials. Materials should complement the architectural style of the building and contribute to the overall quality of the development. Reflective materials other than glass should be avoided. In general, the selection of materials should also contribute to the overall character of the neighborhood or town.

(6) Lighting. Signage lighting should be given adequate attention to detail. Simple, external illumination fixtures should complement both the building and the sign itself. For most light fixtures, the illumination source (bulb) should not be visible. Certain backlit illumination creating a halo effect may be appropriate, as may other new lighting technology or design detail. (as added by Ord. #2012-3, Feb. 2012, and amended by Ord. #2015-08, Oct. 2015)

14-509. Allowable signage. (1) Commercial. (a) Each multi-tenant development may have one (1) primary sign no more than twenty-five (25) square feet per face. The multi-tenant development sign shall be used to identify the development and shall not be an advertising or directory sign.

(b) Each business/tenant may have (1) primary exterior sign to identify itself that shall not exceed twenty-five (25) square feet selected from the types of signs described under § 14-510, (Types of signs).

(c) Each business/tenant may have interior window signage that shall not exceed fifteen percent (15%) of the uninterrupted aggregate of the glazing on a given wall visible from the street.

(i) Required: Lettering detailing address, contact information or hours of operation that shall not exceed two (2) square feet and shall not be counted as a percentage of the interior signage allowance.

(ii) Optional: One (1) lighted, but non-moving, blinking or flashing, "Open" sign of a type not prohibited by this chapter

that shall not exceed four (4) square feet and shall be counted as a percentage of the interior signage allowance.

(d) A secondary sign that shall not exceed fifteen (15) square feet for each multi-tenant development or business/tenant may be considered under the following conditions:

(i) Length of street frontage greater than one hundred (100) linear feet.

(ii) Location at an intersection of two (2) or more public streets.

(iii) Use as a drive-through establishment.

(iv) Principal use is small scale and oriented to pedestrians.

(v) For replacement of non-conforming signage.

(vi) Hardship related to the site including but not limited to topography or sight distance.

(2) Churches and schools. Signs identifying churches and schools shall not exceed twenty-five (25) square feet per face regardless of street frontage and shall comply with the provisions of these regulations.

(3) Subdivisions/residential development entry signs and features. Signs and entrance features that identify and mark the location of subdivisions and residential developments (including apartments, condominiums, and townhouses):

(a) Shall be located within the area set aside for entrance features the location of which shall be indicated on preliminary and final plats or a development plan approved by the DRC if applicable. Entrance features shall not exceed two hundred (200) square feet in total area whether as single or multiple features.

(b) Shall be set back fifteen feet (15') from the rights-of-way of any adjoining arterial or collector streets; one foot (1') from local road rights-of-way and five feet (5') from all property lines. Subdivision entrance features and/or signage shall not be allowed on town rights-of-way or in required setbacks for any building and shall not obstruct sight triangles as required by § 16-104 in the town code.

(c) Each roadway providing entry into a subdivision or development is considered one (1) entrance regardless of any natural or artificial divisions such as medians or width between opposing lanes.

(d) A sign shall only include the name of the subdivision or development and should be integrated into and complementary of the subdivision or residential entrance feature(s).

(e) Signs shall not exceed a total of twenty-five (25) square feet of an entrance feature regardless of street frontage. Graphic emblems, logos or symbols may be incorporated into the design.

(f) Entrance features should maintain a modest scale that is in proportion with their surroundings. An entrance feature that exceeds four

feet (4') in height shall be considered part of the main entryway structure and subject to the aforementioned two hundred (200) square feet dimensional requirements. No entrance structure supporting an entrance sign shall exceed six feet (6') in height.

(g) Entrance features should be of high quality design from durable materials such as stone, brick or stucco. Materials should be consistent with building materials used in the development and consistent with the architectural and aesthetic qualities of the town. Plywood or concrete block used as a visible portion of a sign or entrance feature is expressly prohibited.

(h) Existing landscape and plant materials should be preserved if possible. In new landscaping, the use of native, drought tolerant plants are recommended.

(i) The design of landscaping and architectural features should respond in scale to the rest of the site to reinforce the character of the development.

(j) Entrance feature lighting should be directed toward the sign and shielded to only illuminate the sign and avoid glare.

(4) Development and construction signs. One (1) construction sign is allowed for each active development and construction project. Sign specification for development and construction sites shall be allowed as follows:

(a) A sign for a single-family residence shall not exceed six (6) square feet.

(b) Signs for projects other than a single-family residence shall not exceed twenty-five (25) square feet.

(c) Residential development signs shall be removed within three (3) years or after two-thirds (2/3) of the project's units have been occupied, whichever comes first.

(d) Construction signs shall be removed within one (1) month of initial occupancy. (as added by Ord. #2012-3, Feb. 2012, and amended by Ord. #2013-08, May 2013, Ord. #2013-14, Aug. 2013, Ord. #2014-09, Oct. 2014, and Ord. #2015-10, Oct. 2015)

14-510. Types of signs. The following details types of signs, their uses and requirements:

(1) Monument signs. Monument signs are typically used where building setbacks, orientation or design make it difficult to provide other types of signage, such as wall signs, that are plainly visible to people who are trying to identify a use. These often identify multi-tenant developments, churches, schools and subdivisions. These signs should be designed so that the style of the sign and its base are consistent with the architecture of the buildings on the site.

(a) Monument signs shall be located within a green or landscaped area with a minimum setback of ten feet (10') from the

property line or sight-triangle requirement, whichever is greater. Adequate landscaping shall be provided to blend the sign into the site.

(b) The bottom edge of a monument sign shall be in continuous contact with the structural base and a minimum of twelve inches (12") above grade.

(c) Monument signs may be incorporated into a retaining wall or masonry wall.

(d) Monument signs shall be no higher than four feet (4').

(2) Post and panel signs. Freestanding post and panel signs are primarily used to identify office or retail uses. They are similar to monument signs, except they do not have a base other than support posts. They can have a single or double face. The colors and materials used for the sign shall be compatible with the associated building design.

(a) Post and panel signs shall not exceed twenty-five (25) square feet per face.

(b) The bottom edge of a post and panel sign shall be a minimum of twelve inches (12") above grade.

(c) Post and panel signs shall be set back a minimum of ten feet (10') from the property right-of-way or sight triangle, whichever is greater.

(d) Post and panel signs shall be a maximum of four feet (4') in height and shall be landscaped to blend into the site.

(3) Wall sign. Wall signs include most types of signage that are attached to the face of a building wall. These include channel letters.

(a) Signs mounted on buildings shall be integrated with the architecture of the building and shall not project above or beyond the drip line of sloped roof buildings.

(b) Wall signs may be placed either directly onto the building surface or other background surface and are generally located either above windows, adjacent to entry doors or on surfaces such as fascia specifically designed for signage.

(c) Wall signs shall have a maximum total sign area of twenty-five (25) square feet. Under certain conditions, however, a second sign of up to fifteen (15) square feet may be allowed (see § 14-509(1)(d), (Allowable signage; Commercial, paragraph (d)).

(4) Projecting signs. Projecting signs are attached to a building face and project out perpendicular to the building wall. Projecting signs are effective when oriented to pedestrians on the sidewalk level.

(a) Projecting signs shall originate from the main store/building front and be no larger than twelve (12) square feet.

(b) No projecting sign shall extend more than four feet (4') beyond a building roofline.

(c) A minimum ground clearance of eight feet (8') shall be required for any sign projecting over a pedestrian walkway.

(5) Window signs. Window signs should be scaled to pedestrians and oriented to window shoppers on the sidewalk, as opposed to vehicles passing by. Window signs should be limited to small graphics and text that serve to frame a window or provide information. Window signs shall occupy no more than fifteen percent (15%) of the uninterrupted aggregate of the glazing on a given wall visible from the street and shall be applied so that they do not obscure the visibility into a shop for the passerby..

(6) Building directory signs. Directory signs are used for multi-tenant buildings or commerce centers to provide a directory of tenant locations within the building or development. Most directory signs are small in scale and oriented to pedestrians.

(a) Directory signs may be fixed on an exterior wall of the building. One (1) directory sign shall be permitted per multi-tenant building.

(b) Wall mounted directory signs shall be no larger than twelve (12) square feet in area. Individual letters may not exceed six inches (6") in height.

(7) Canopy or awning signs. Canopy and awning signs shall not cover more than twenty-five percent (25%) of the canopy or awning or exceed twenty-five (25) square feet in size, whichever is smaller.

(8) Hanging and suspended signs. Hanging signs or suspended signs are used to help define entries and identify business names to pedestrians. They are small and can hang over a building entry.

(a) A minimum ground clearance of eight feet (8') shall be required for any sign hanging or suspended over a pedestrian walkway.

(b) Hanging and suspended signs shall be no larger than twelve (12) square feet.

(9) Menu board signs. Menu board signs are appropriate for drive-through restaurants only and are subject to the following:

(a) Proposed location of menu boards shall be approved by the DRC.

(b) The maximum height shall be six feet (6').

(c) Menu board signs shall not exceed twenty-five (25) square feet.

(d) Dimensions do not count toward overall sign square footage.

(e) Speakers shall meet the requirements of zoning and town codes.

(f) Menu boards shall only be lit during business hours.

(10) All other sign types. Freestanding signs and other types of signs not addressed as a specific sign type shall not exceed twenty-five (25) square feet per face. (as added by Ord. #2012-3, Feb. 2012, and amended by Ord. #2013-08, May 2013)

14-511. Determining sign area. The following criteria shall be used to determine sign area and placement under these regulations:

(1) Determining sign area. For single-faced signs, area shall be that within the outermost perimeter of the sign. A single-faced sign is a sign constructed so its message is displayed in a single plane and is viewable from only one side of the plane.

(2) For double-faced signs, area shall be that within the outermost perimeter of one (1) face of the sign. A double-faced sign is a sign constructed to display message(s) on the outside surfaces of two (2) identical and/or opposite parallel planes, provided the planes are not more than two feet (2') apart.

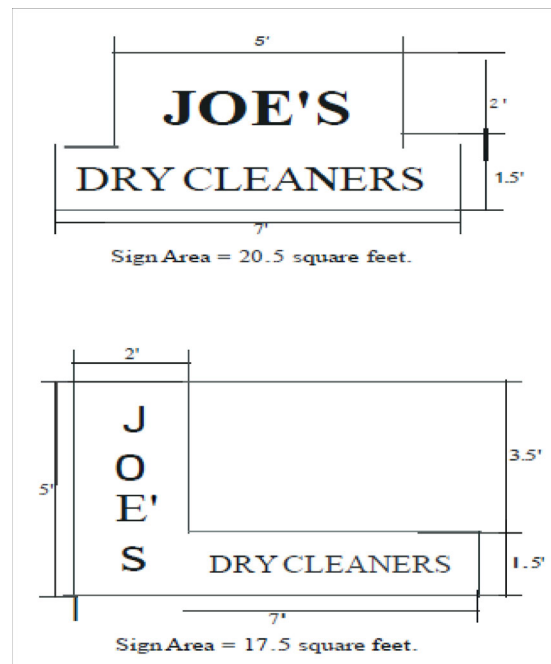
(3) Sign area is calculated by determining the number of square feet of the smallest square or rectangle(s) within which the sign face can be enclosed.

(4) If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in sign area. When separate letters or graphics are attached to a wall, then the sign area shall be determined by drawing a square or rectangle around all type and markings associated with the sign.

(5) The total sign area is the sum of all individual sign areas, including the area of a rectangle enclosing any message, logo, symbol, name, photography or display face is the sign surface area.

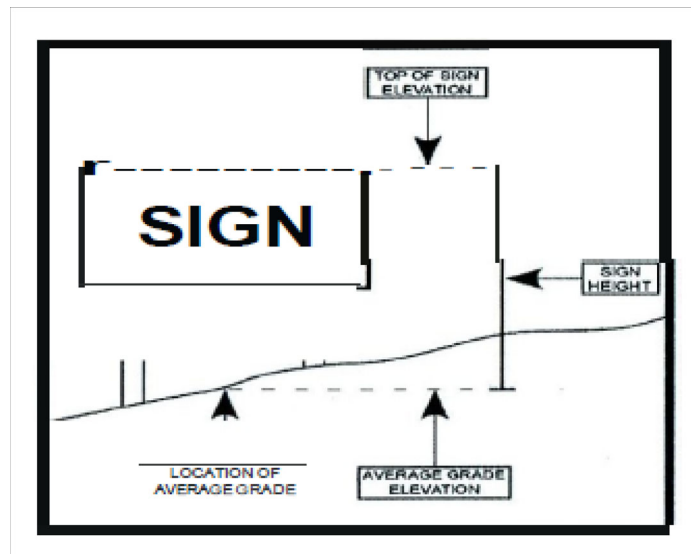
(6) Framework that is clearly incidental to the sign itself shall not be computed in the sign area.

(7) See the following diagrams describing methodology for calculating sign area.



(as added by Ord. #2012-3, Feb. 2012)

14-512. Sign height and clearance. (1) Height. The height of a free-standing sign shall be measured from the ground adjacent to the sign to the top of the sign and support structure. If the ground under the sign slopes, the height shall be measured from the average grade under the sign itself. See the following diagram:



(2) Clearance. Where permitted, awnings, canopies, projecting, and suspended signs shall conform to the following requirements:

(a) Vertical. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet (8') over private sidewalk areas.

(b) Horizontal. The minimum horizontal clearance between a sign and the public right-of-way shall be two feet (2'); the maximum projection over a private sidewalk shall be two-thirds (2/3) the width of the sidewalk or six feet (6'), whichever is less. (as added by Ord. #2012-3, Feb. 2012)

14-513. Sign illumination. The following lighting standards apply to all signage illumination except where prohibited by state or federal requirements. Illumination where permitted shall be subject to the following limitations:

(1) No signs shall be internally illuminated.

(2) Signs where illumination creates a backlit, halo-like effect around the sign or sign elements may be allowed.

(3) External light sources shall be fully shielded so that the light intensity will not create glare and will prevent direct illumination of any object other than the sign.

(4) Menu board signs shall only be lit during business hours. (as added by Ord. #2012-3, Feb. 2012)

14-514. Non-conforming signs. A non-conforming sign is a sign that was lawfully installed prior to the effective date of these regulations, or a subsequent amendment thereto, that as a result no longer conforms. All signs deemed non-conforming shall be made to comply with the requirements of these regulations if one (1) of the following occurs:

(1) Any modification of sign appearance, other than normal maintenance necessary to retain the original appearance of the sign.

(2) Removal for whatever reason of a non-conforming sign. A non-conforming sign shall not be re-erected.

(3) Change of use and/or name of a business. However, when the ownership of a business changes, but the name and use of the business remain the same, a conforming sign in good repair shall remain. A conforming sign in good repair may also be erected upon the relocation of a business.

(4) Destruction or deterioration of the sign to an extent that the current cost of repair exceeds fifty percent (50%) of the current cost of constructing a new sign that duplicates the old sign. (as added by Ord. #2012-3, Feb. 2012)

14-515. Appeals. An applicant whose proposed signage is conditionally approved or disapproved by the design review commission may appeal the commission's action to the town council. Appeals to the council shall be filed with the town manager ten (10) days prior to the next regular meeting of the council and not more than sixty (60) days after the date of the commission's action.

The members of the commission will be notified of the request for appeal and will be given the opportunity to address the council. The council, after hearing all parties who desire to be heard, shall approve, approve with conditions or not approve the application by a written statement setting forth the reasons for its action.

If the council approves or conditionally approves the application, the building official may issue the building permit forthwith, provided that the applicant has complied with the terms of approval or conditional approval as well as with other provisions of this section, and with all other codes, ordinances, regulations and procedures regarding building permits. (as added by Ord. #2012-3, Feb. 2012)

14-516. Variances. (1) Permanent. (a) The town council is authorized to permit variances in the administration of this chapter when good taste and unusual circumstances, and/or practicality justify the granting of a variance. Part of the intent of these regulations is to promote creativity in signs.

(b) To apply for a variance, a person must file a written request with the council setting forth what variance is requested and the reasons for the request. The town council shall administer all applications and all requests for new sign variances of a permanent nature and may hold a hearing on such petition if it desires to do so.

(c) The council will agree to act to approve, deny, defer or conditionally approve the request for variance within sixty (60) days.

(2) Temporary. The town manager is authorized to permit temporary use variances for non-profit organizations only in the administration of these regulations and may hold a public hearing on such if he/she so desires. The town manager is authorized to permit temporary use variances of not more than fourteen (14) consecutive days and/or thirty (30) days during any twelve (12) month period. The maximum number of temporary locations shall be eight (8) at any time. (as added by Ord. #2012-3, Feb. 2012)

14-517. Sign maintenance. All signs shall be continuously maintained in conformance with the standards of appearance extant at the time of original erection. Deteriorated or damaged paint and construction materials shall be immediately renewed. (as added by Ord. #2012-3, Feb. 2012)

14-518. Enforcement. The building official shall have the authority to order the removal or modification of any new sign that does not meet these sign regulations according to the following procedures:

(1) The owner of the sign, the occupant of the premises on which the sign is located, and the person or firm maintaining the same shall, upon written notice by registered or certified mail from the building official, remove or modify the sign or structure within thirty (30) days in a manner approved by the building official.

(2) If the order is not complied with within thirty (30) days, the building official or his designated agent shall issue a second written notice in person or by registered or certified mail indicating that if the appropriate action does not take place within fifteen (15) days, the town will remove the sign at the sign owner's expense.

If the sign is not removed or modified within the fifteen (15) days granted by the second notice, the building official shall order the removal of the sign by the town. The cost of this work shall be charged to the property owner and a lien on the property in that amount shall exist until the town is reimbursed. (as added by Ord. #2012-3, Feb. 2012)

14-519. Abandoned signs. The town council may, at its discretion, order the removal of an abandoned sign if thirty (30) days have elapsed since the owner of the property on which the sign is located was notified in writing. (as added by Ord. #2012-3, Feb. 2012)

14-520. Penalties. Any person, firm or corporation violating any of the provisions of these regulations shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined fifty dollars (\$50.00). Each day's continuance of a violation shall be considered a separate offense. The owner of any sign, building or premises or part thereof, where anything in violation of these regulations shall be placed or shall exist, and any person, who may have knowingly assisted in the commission of any such violation, shall be guilty of a separate offense. (as added by Ord. #2012-3, Feb. 2012)