

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

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

- 14-101. Creation and membership.
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14-101. Creation and membership. Pursuant to the provision of the Tennessee Code Annotated, title 13, there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members; two (2) of these shall be the mayor and an alderman selected by the board of mayor and aldermen; the eight (8) remaining members shall be citizens appointed by the Mayor of the City of Church Hill. Two (2) members shall be citizens of Hawkins County appointed by the mayor who reside outside of Church Hill's corporate limits but within Church Hill's planning region. The term of the latter eight (8) appointive members shall be of three (3) years except that in the appointment of the first municipal planning commission, under the terms of this chapter, three (3) of said members shall be appointed for a term of three (3) years, three for a term of two (2) years, and two (2) for a term of one (1) year. Any vacancy in the appointive membership shall be filled for the unexpired term by the Mayor of the City of Church Hill. The terms of the mayor and the member from the board of mayor and aldermen shall run concurrently with their respective terms of office. (Ord. #07-427, Dec. 2007)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (2003 Code, § 11-102)

CHAPTER 2

SPECIALLY CALLED MEETINGS

SECTION

14-201. Bond required for specially called meeting.

14-202. Criteria for special meeting at owner's request.

14-201. Bond required for specially called meeting. Any owners of property within the municipal limits, or within the planning region of the Church Hill Regional Planning Commission, who request a special call meeting of the planning commission for the preliminary and/or final approval of any subdivision plans shall, at the time that the owner requests such specially called meeting, deposit with the recorder's office a cash bond in the sum of one hundred dollars (\$100.00) to defray all expenses associated with the calling and holding of such special meeting. (2003 Code, § 11-201)

14-202. Criteria for special meeting at owner's request. After the owner who requests the specially called meeting has posted the necessary cash bond, the planning commission shall determine, by a majority vote, whether it is necessary and proper that a special meeting is to be held in order to accommodate the landowner who requests approval of subdivision plans. Specially called meetings of the Church Hill Regional Planning Commission shall be held only at the discretion of the planning commission itself and only under such circumstances as would prevent extreme hardship on the applicant property owner. In exercising its discretion, the planning commission should also take into consideration the reason or reasons given for the landowner's failure to appear with the necessary plats and plans to request approval at the commission's regular monthly meeting. If the planning commission determines by a majority of the vote that a specially called meeting is necessary and proper to avoid undue hardship upon the applicant property owner then the specially called meeting shall be set on a date convenient with a majority of the planning commission members. Specially called meetings of the Church Hill Regional Planning Commission shall consider only the business which was the basis of the special request. (2003 Code, § 11-202)

CHAPTER 3

STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL

SECTION

- 14-301. Short title.
- 14-302. General provisions.
- 14-303. Definitions.
- 14-304. Waivers.
- 14-305. Stormwater system design: construction and permanent stormwater management.
- 14-306. Permanent stormwater management: operation, maintenance, and inspection.
- 14-307. Existing locations and ongoing developments.
- 14-308. Illicit discharges.
- 14-309. Enforcement.
- 14-310. Penalties.
- 14-311. Appeals.
- 14-312 - 14-331. Deleted.

14-301. Short title. This chapter shall be known as the "Stormwater Management, Erosion and Sedimentation Control Ordinance of the City of Church Hill, Tennessee." (2003 Code, § 11-301, as replaced by Ord. #15-471, March 2015)

14-302. General provisions. (1) Purpose. It is the purpose of this chapter to:

(a) Protect, maintain, and enhance the environment of the city and the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city;

(b) Enable the city to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges;

(c) Allow the city to exercise the powers granted in Tennessee Code Annotated, § 68-221-1105, which provides that, among other powers cities have with respect to stormwater facilities, is the power by ordinance or resolution to:

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of

stormwater facilities in the city, whether or not owned and operated by the city;

(ii) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

(iii) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality;

(iv) Review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments;

(v) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities;

(vi) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;

(vii) Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and

(viii) Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether public or private.

(2) Administering entity. The city's stormwater manager shall administer the provisions of this chapter.

(3) Stormwater management ordinance. The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering implement to facilitate the necessary control of stormwater. (2003 Code, § 11-302, as replaced by Ord. #15-471, March 2015)

14-303. Definitions. For the purpose of this chapter, the following definitions shall apply: words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

(1) "Administrative or civil penalties." Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00) and not more than five thousand

dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(2) "As built plans" means drawings depicting conditions as they were actually constructed.

(3) "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge or pollutants to waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(4) "Borrow pit" is an excavation from which erodible material (typically soil) is removed to be fill for another site. There is no processing or separation of erodible material conducted at the site. Given the nature of activity and pollutants present at such excavation, a borrow pit is considered a construction activity for the purpose of this permit.

(5) "Buffer zone" means a setback from the top of water body's bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. The goal of the water quality buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration. Buffer width depends on the size of a drainage area. Streams or other waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location. The MS4 must develop and apply criteria for determining the circumstances under which these averages will be available. A determination that standards cannot be met may not be based solely on the difficulty or cost associated with implementation. Every attempt should be made for development and redevelopment activities not to take place within the buffer zone. If water quality buffer widths as defined above cannot be fully accomplished on-site, the MS4 must develop and apply criteria for determining the circumstances under which alternative buffer widths will be available. A determination that water quality buffer widths cannot be met on site may not be based solely on the difficulty or cost of implementing measures, but must include multiple criteria, such as: type of project, existing land use and physical conditions that preclude use of these practices.

(6) "Buffer zone requirements." (a) "Construction" applies to all streams adjacent to construction sites, with an exception for streams designated as impaired or exceptional Tennessee waters, as designated by the Tennessee Department of Environment and Conservation. A thirty foot (30') natural riparian buffer zone adjacent to all streams at the construction site shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state located within or immediately adjacent to the boundaries of the project, as identified using methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17). Buffer zones are not primary sediment control measures and should not be relied on as such. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be preserved between the top of stream bank and the disturbed construction area. The thirty feet (30') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of buffer zone is more than fifteen feet (15') at any measured location. Buffer zone requirements for discharges into impaired or high quality waters. A sixty foot (60') natural riparian buffer zone adjacent to the receiving stream designated as impaired or high quality waters shall be preserved, to the maximum extent practicable, during construction activities at the site. The water quality buffer zone is required to protect waters of the state (e.g., perennial and intermittent streams, rivers, lakes, wetlands) located within or immediately adjacent to the boundaries of the project, as identified on a 7.5-minute USGS quadrangle map, or as determined by the director. Buffer zones are not sediment control measures and should not be relied upon as primary sediment control measures. Rehabilitation and enhancement of a natural buffer zone is allowed, if necessary, for improvement of its effectiveness of protection of the waters of the state. The buffer zone requirement only applies to new construction sites. The riparian buffer zone should be established between the top of stream bank and the disturbed construction area. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than twenty-five feet (25') at any measured location.

(b) "Permanent" new development and significant redevelopment sites are required to preserve water quality buffers along waters within the MS4. Buffers shall be clearly marked on site development plans, grading permit applications, and/or concept plans. Buffer width depends on the size of a drainage area. Streams or other

waters with drainage areas less than one (1) square mile will require buffer widths of thirty feet (30') minimum. Streams or other waters with drainage areas greater than one (1) square mile will require buffer widths of sixty feet (60') minimum. The sixty feet (60') criterion for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than thirty feet (30') at any measured location.

(7) "Channel" means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

(8) "Common plan of development or sale" is broadly defined as any announcement or documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. A common plan of development or sale identifies a situation in which multiple areas of disturbance are occurring on contiguous areas. This applies because the activities may take place at different times, on different schedules, by different operators.

(9) "Design storm event" means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility. The estimated design rainfall amounts, for any return period interval (i.e., 2-yr, 5-yr, 25-yr, etc.) in terms of either twenty-four (24) hour depths or intensities for any duration, can be found by accessing the following NOAA National Weather Service Atlas 14 data for Tennessee: http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(10) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(11) "Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(12) "Easement" means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

(13) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

(14) "Erosion Prevention and Sediment Control Plan (EPSCP)" means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

(15) "Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses:

- (a) Vehicle salvage yards and recycling facilities;
- (b) Vehicle service and maintenance facilities;
- (c) Vehicle and equipment cleaning facilities;
- (d) Fleet storage areas (bus, truck, etc.);
- (e) Industrial sites (included on Standard Industrial Classification code list);
- (f) Marinas (service and maintenance);
- (g) Public works storage areas;
- (h) Facilities that generate or store hazardous waste materials;
- (i) Commercial container nursery;
- (j) Restaurants and food service facilities;
- (k) Other land uses and activities as designated by an appropriate review authority.

(16) "Illicit connections" means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

(17) "Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under § 14-507(2).

(18) "Improved sinkhole" is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC's Underground Injection Control (UIC) program. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures, and crevices (such as those commonly associated with weathering of limestone).

(19) "Inspector" an inspector is a person that has successfully completed (has a valid certification from) the "Fundamentals of Erosion Prevention and Sediment Control Level I" course or equivalent course. An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around waters of the state;
- (b) Update field SWPPPs;
- (c) Conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial measures have been installed; and

(d) Inform the permit holder of activities that may be necessary to gain or remain in compliance with the Construction General Permit (CGP) and other environmental permits.

(20) "Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

(21) "Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

(22) "Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

(23) "Municipal Separate Storm Sewer System (MS4)" means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system.

(24) "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

(25) "Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

(26) "On-site facility" means a structural BMP located within the subject property boundary described in the permit application for land development activity.

(27) "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

(28) "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

(29) "Runoff" means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.

(30) "Sediment" means solid material, both inorganic and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

(31) "Sedimentation" means soil particles suspended in stormwater that can settle in stream beds.

(32) "Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation .

(33) "Stabilization" means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

(34) "Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

(35) "Stormwater entity" means the entity designated by the city to administer the stormwater management ordinance, and other stormwater rules and regulations adopted by the city.

(36) "Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

(37) "Stormwater management facilities" means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(38) "Stormwater management plan" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

(39) "Stormwater Pollution Prevention Plan (SWPPP)" means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee's water quality regulations. All SWPPPs shall be prepared and updated in accordance with section 3 of the general NPDES permit for discharges of stormwater associated with construction activities.

(40) "Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

(41) "Structural BMPs" means facilities that are constructed to provide control of stormwater runoff.

(42) "Surface water" includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(43) "Waste site" means an area where waste material from a construction site is deposited. When the material is erodible, such as soil, the site must be treated as a construction site.

(44) "Water quality buffer" see "buffer."

(45) "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

(46) "Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(47) "Waters" or "waters of the state" means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

(48) "Wetland(s)" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.

(49) "Wet weather conveyances" are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under nonnal weather conditions, due to naturally occurring ephemeral or low flow, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two (2) months. (Rules and Regulations of the State of Tennessee, chapter 1200-4-3-.04(3)). (2003 Code, § 11-304, as replaced by Ord. #15-471, March 2015)

14-304. Waivers. (1) General. No waivers will be granted any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the 2010 NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems primary requirement for on-site permanent stormwater management may be considered, if:

(a) Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.

(2) Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the stormwater manager that the proposed alternative will not lead to any of the following conditions downstream:

(a) Deterioration of existing culverts, bridges, dams, and other structures;

(b) Degradation of biological functions or habitat;

(c) Accelerated streambank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life or property.

(3) Grading permit not to be issued where alternatives requested. No grading permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management. (2003 Code, § 11-304, as replaced by Ord. #15-471, March 2015)

14-305. Stormwater system design: construction and permanent stormwater management. (1) MS4 Stormwater design or BMP manuals.

(a) Adoption. The city adopts as its MS4 stormwater design and best management practices (BMP) manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:

(i) TDEC Erosion Prevention and Sediment Control Handbook; most current edition.

(ii) The Nashville-Davidson County Metro Stormwater Management Manual (BEST MANAGEMENT PRACTICES (BMP) MANUAL - Volume 4), most current edition.

(iii) A collection of MS4 approved BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the CGP.

(b) The city's BMP manual(s) include a list of acceptable BMPs including the specific design performance criteria and operation and

maintenance requirements for each stormwater practice. These include city approved BMPs for permanent stormwater management including green infrastructure BMPs.

(c) The city manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the city, upon the recommendation of the stormwater manager, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(2) Land development. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications and grading applications. These standards apply to any new development or redevelopment site that meets one (1) or more of the following criteria:

- (a) One (1) acre or more;
 - (i) New development that involves land development activities of one (1) acre or more;
 - (ii) Redevelopment that involves other land development activity of one (1) acre or more;
- (b) Projects or developments of less than one (1) acre of total land disturbance may also be required to obtain authorization under this ordinance if:
 - (i) The stormwater manager has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard;
 - (ii) The stormwater manager has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to waters of the state;
 - (iii) Changes in state or federal rules require sites of less than one (1) acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;
 - (iv) Any new development or redevelopment, regardless of size, that is defined by the stormwater manager to be a hotspot land use; or
 - (v) Minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, even multiple, that is part of a separate and distinct land development activity that may take place at different times on different schedules.

Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a

Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, chapter 1200-4-6.

(3) Submittal of a copy of the NOC, SWPPP and NOT to the local MS4. Permittees who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed Notice Of Termination (NOT) to the stormwater manager. Permitting status of all permittees covered (or previously covered) under this general permit as well as the most current list of all MS4 permits is available at the TDEC's DataViewer web site.

Copies of additional applicable local, state or federal permits (i.e.: ARAP, etc.) must also be provided upon request.

If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent.

(4) Stormwater Pollution Prevention Plan (SWPPP) for construction stormwater management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (7) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.

(5) Stormwater pollution prevention plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be phased so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate phase of the plan. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the State of Tennessee. The plan shall also conform to the requirements found in the MS4 BMP manual, and shall include at least the following:

(a) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

(b) A topographic map with contour intervals of five feet (5') or less showing present conditions and proposed contours resulting from land disturbing activity.

(c) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

(d) A general description of existing land cover. Individual trees and shrubs do not need to be identified.

(e) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

(f) Approximate limits of proposed clearing, grading and filling.

(g) Approximate flows of existing stormwater leaving any portion of the site.

(h) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

(i) Location, size and layout of proposed stormwater and sedimentation control improvements.

(j) Existing and proposed drainage network.

(k) Proposed drain tile or waterway sizes.

(l) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

(m) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.

(n) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

(o) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil,

sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

(p) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.

(q) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.

(r) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.

(6) General design performance criteria for permanent stormwater management. The following performance criteria shall be addressed for permanent stormwater management at all development sites:

(a) Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by seventy-two (72) hours of no measurable precipitation. This first inch of rainfall must be one hundred percent (100%) managed with no discharge to surface waters.

(b) Limitations to the application of runoff reduction requirements include, but are not limited to:

(i) Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;

(ii) Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;

(iii) Presence of sinkholes or other karst features.

(c) Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.

(d) Incentive standards for re-developed sites: a ten percent (10%) reduction in the volume of rainfall to be managed for any of the following types of development. Such credits are additive such that a maximum reduction of fifty percent (50%) of the standard in the paragraph above is possible for a project that meets all five (5) criteria:

(i) Redevelopment;

(ii) Brownfield redevelopment;

(iii) High density (>7 units per acre);

(iv) Vertical density, (Floor to Area Ratio (FAR) of two (2) or >18 units per acre); and

(v) Mixed use and transit oriented development (within 1/2 mile of transit).

(e) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove eighty percent (80%) Total Suspended Solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.

(f) For projects that cannot meet one hundred percent (100%) of the runoff reduction requirements, the stormwater manager may allow runoff reduction measures to be implemented at another location within the same USGS twelve (12) digit Hydrologic Unit Code (HUC) as the original project. Off-site mitigation must be a minimum of 1.5 times the amount of water not managed on site. The off-site mitigation location (or alternative location outside the twelve (12) digit HUC) and runoff reduction measures must be approved by the stormwater manager. The stormwater manager shall identify priority areas within the watershed in which mitigation projects can be completed. The stormwater manager must create an inventory of appropriate mitigation projects, and develop appropriate institutional standards and management systems to value, evaluate and track transactions. Mitigation can be used for retrofit or redevelopment projects, but should be avoided in areas of new development.

(g) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.

(h) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(i) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.

(j) Prior to or during the site design process, applicants for land disturbance permits shall consult with the stormwater manager to determine if they are subject to additional stormwater design requirements.

(k) The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities.

(7) Minimum volume control requirements. (Note: the volume control requirements are by the MS4 and not the TDEC MS4 Permit) in accordance with 14-501(1)(c)(iii) the MS4 may establish standards to regulate the quantity of stormwater discharged, therefore:

(a) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the MS4 BMP manual.

(b) If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the stormwater manager may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(8) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the stormwater manager to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:

(a) Topographic base map: Topographic base map of the site which extends a minimum of one hundred feet (100') beyond the limits of the proposed development and indicates:

(i) Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;

(ii) Current land use including all existing structures, locations of utilities, roads, and easements;

(iii) All other existing significant natural and artificial features;

(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.

(b) Proposed structural and non-structural BMPs;

(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;

(d) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the MS4 BMP manual. Such calculations shall include:

- (i) A description of the design storm frequency, duration, and intensity where applicable;
- (ii) Time of concentration;
- (iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
- (iv) Peak runoff rates and total runoff volumes for each watershed area;
- (v) Infiltration rates, where applicable;
- (vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
- (vii) Flow velocities;
- (viii) Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and
- (ix) Documentation of sources for all computation methods and field test results.

(e) Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

(9) Maintenance and repair plan. The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. (2003 Code, § 11-305, as replaced by Ord. #15-471, March 2015)

14-306. Permanent stormwater management: operation, maintenance, and inspection. (1) As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be scaled by a registered professional engineer licensed to practice in Tennessee. A final inspection by the city is required before any performance security or performance bond will be released. The city shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the city.

(2) Landscaping and stabilization requirements. (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed not later than fifteen (15) days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

(i) Where the initiation of stabilization measures is precluded by snow cover or frozen ground conditions or adverse soggy ground conditions, stabilization measures shall be initiated as soon as practicable; or

(ii) Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within fifteen (15) days.

(b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles) or crusher runs will not be considered a non-eroding surface.

(c) The following criteria shall apply to re-vegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

(iv) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will

be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

(3) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter.

(4) Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon request.

(5) Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city may take necessary corrective action. The cost of any action by the city under this section shall be charged to the responsible party, and shall include an administrative/overhead charge of no less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00) for each incident. (2003 Code, § 11-306, as replaced by Ord. #15-471, March 2015)

14-307. Existing locations and ongoing developments. (1) On-site stormwater management facilities maintenance agreement:

(a) Where the stormwater facility is located on property that is subject to a development agreement, and the development agreement provides for a permanent stormwater maintenance agreement that runs with the land, the owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.

(b) The maintenance agreement shall:

(i) Assign responsibility for the maintenance and repair of the stormwater facility to the owners of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

(ii) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (v) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the stormwater manager. It shall also grant permission to the city to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

(iii) Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the MS4 BMP manual.

(iv) Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the stormwater manager.

(v) Provide that if the property is not maintained or repaired within the prescribed schedule, the stormwater manager shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the stormwater manager's cost of performing the maintenance shall be a lien against the property.

(2) Existing problem locations - no maintenance agreement. (a) The stormwater manager shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(b) Inspection of existing facilities. The city may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections;

inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the city's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

(3) Owner/operator inspections - generally. The owners and/or the operators of stormwater management practices shall:

(a) Perform routine inspections to ensure that the BMPs are properly functioning. These inspections shall be conducted on an annual basis, at a minimum. These inspections shall be conducted by a person familiar with control measures implemented at a site. Owners or operators shall maintain documentation of these inspections. The stormwater manager may require submittal of this documentation.

(b) Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five (5) years, at a minimum. Such inspections must be conducted by either a professional engineer or landscape architect, licensed in the State of Tennessee. Complete inspection reports for these five (5) year inspections shall include:

- (i) Facility type,
- (ii) Inspection date,
- (iii) Latitude and longitude and nearest street address,
- (iv) BMP owner information (e.g. name, address, phone number, fax, and email),

(v) A description of BMP condition including: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,

(vi) Photographic documentation of BMPs, and

(vii) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.

(c) Owners or operators shall maintain documentation of these inspections. The stormwater manager may require submittal of this documentation.

(4) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development at

which land disturbing activities have occurred previous to the enactment of this ordinance:

(a) Denuded areas must be vegetated or covered under the standards and guidelines specified in § 14-505(2)(c)(i), (ii), (iii) and on a schedule acceptable to the stormwater manager.

(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.

(e) Stormwater runoff shall, at the discretion of the stormwater manager be controlled to the maximum extent practicable to prevent its pollution. Such control measures may include, but are not limited to, the following:

- (i) Ponds
 - (A) Detention pond
 - (B) Extended detention pond
 - (C) Wet pond
 - (D) Alternative storage measures
- (ii) Constructed wetlands
- (iii) Infiltration systems
 - (A) Infiltration/percolation trench
 - (B) Infiltration basin
 - (C) Drainage (recharge) well
 - (D) Porous pavement
- (iv) Filtering systems
 - (A) Catch basin inserts/media filter
 - (B) Sand filter
 - (C) Filter/absorption bed
 - (D) Filter and buffer strips
- (v) Open channel
 - (A) Swale

(5) Corrections of problems subject to appeal. Corrective measures imposed by the stormwater manager under this section are subject to appeal under § 14-510 of this chapter. (2003 Code, § 11-307, as replaced by Ord. #15-471, March 2015)

14-308. Illicit discharges. (1) Scope. This section shall apply to all water generated on developed or undeveloped land entering the city's separate storm sewer system.

(2) Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater or any discharge that flows from

stormwater facility that is not inspected in accordance with § 14-506 which shall be an illicit discharge. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

- (a) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources;
 - (ii) Landscape irrigation or lawn watering with potable water;
 - (iii) Diverted stream flows;
 - (iv) Rising ground water;
 - (v) Groundwater infiltration to storm drains;
 - (vi) Pumped groundwater;
 - (vii) Foundation or footing drains;
 - (viii) Crawl space pumps;
 - (ix) Air conditioning condensation;
 - (x) Springs;
 - (xi) Non-commercial washing of vehicles;
 - (xii) Natural riparian habitat or wetland flows;
 - (xiii) Swimming pools (if dechlorinated - typically less than one PPM chlorine);
 - (xiv) Firefighting activities;
 - (xv) Any other uncontaminated water source.
- (b) Discharges specified in writing by the city as being necessary to protect public health and safety.
- (c) Dye testing if the city has so specified in writing.
- (d) Discharges authorized by the Construction General Permit (CGP), which comply with § 3.5.9 of the same:
 - (i) Dewatering of work areas of collected stormwater and ground water (filtering or chemical treatment may be necessary prior to discharge);
 - (ii) Waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves site;
 - (iii) Water used to control dust in accordance with CGP § 3.5.5;
 - (iv) Potable water sources including waterline flushings from which chlorine has been removed to the maximum extent practicable;

(v) Routine external building washdown that does not use detergents or other chemicals;

(vi) Uncontaminated groundwater or spring water; and

(vii) Foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.).

(3) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(4) Reduction of stormwater pollutants by the use of best management practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Discharges from existing BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.

(5) Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the city in person or by telephone, fax, or email, no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the city within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(6) No illegal dumping allowed. No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the city. (2003 Code, § 11-308, as replaced by Ord. #15-471, March 2015)

14-309. Enforcement. (1) Enforcement authority. The stormwater manager shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section. Measures authorized include:

(a) Verbal warnings. At a minimum, verbal warnings must specify the nature of the violation and required corrective action.

(b) Written notices. Written notices must stipulate the nature of the violation and the required corrective action, with deadlines for taking such action.

(c) Citations with administrative penalties. The MS4 has the authority to assess monetary penalties, which may include civil and administrative penalties.

(d) Stop work orders. Stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate control measures.

(e) Withholding of plan approvals or other authorizations. Where a facility is in noncompliance, the MS4's own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

(f) Additional measures. The MS4 may also use other escalated measures provided under local legal authorities. The MS4 may perform work necessary to improve erosion control measures and collect the funds from the responsible party in an appropriate manner, such as collecting against the project's bond or directly billing the responsible party to pay for work and materials.

(2) Notification of violation. (a) Verbal warning. Verbal warning may be given at the discretion of the inspector when it appears the condition can be corrected by the violator within a reasonable time, which time shall be approved by the inspector.

(b) Written notice. Whenever the stormwater manager finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the stormwater manager may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the stormwater manager. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

(c) Consent orders. The stormwater manager is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken

by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing. The stormwater manager may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

(e) Compliance order. When the stormwater manager finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed and/or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

(f) Cease and desist and stop work orders. When the stormwater manager finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the stormwater manager may issue a stop work order or an order to cease and desist all such violations and direct those persons in noncompliance to:

- (i) Comply forthwith; or
- (ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation; including halting operations except for terminating the discharge and installing appropriate control measures.

(g) Suspension, revocation or modification of permit. The stormwater manager may suspend, revoke or modify the permit authorizing the land development project or any other project of the applicant or other responsible person within the city. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the stormwater manager may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(h) **Conflicting standards.** Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the city under this ordinance, the strictest standard shall prevail. (2003 Code, § 11-309, as replaced by Ord. #15-471, March 2015)

14-310. Penalties. (1) **Violations.** Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the stormwater manager, shall be guilty of a civil offense.

(2) **Penalties.** Under the authority provided in Tennessee Code Annotated, § 68-221-1106, the city declares that any person violating the provisions of this chapter may be assessed a civil penalty by the stormwater manager of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.

(3) **Measuring civil penalties.** In assessing a civil penalty, the stormwater manager may consider:

- (a) The harm done to the public health or the environment;
- (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- (c) The economic benefit gained by the violator;
- (d) The amount of effort put forth by the violator to remedy this violation;
- (e) Any unusual or extraordinary enforcement costs incurred by the city;
- (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- (g) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(4) **Recovery of damages and costs.** In addition to the civil penalty in subsection (2) above, the city may recover:

- (a) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.
- (b) The costs of the city's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(5) **Referral to TDEC.** Where the city has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the city has not been successful, the city may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2)

follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:

- (a) Construction project or industrial facility location;
- (b) Name of owner or operator;
- (c) Estimated construction project or size or type of industrial activity (including SIC code, if known);
- (d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two (2) warning letters or notices of violation, and any response from the owner or operator.

(6) Other remedies. The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

(7) Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted. (2003 Code, § 11-310, as replaced by Ord. #15-471, March 2015)

14-311. Appeals. Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the city's governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

(2) Public hearing. Upon receipt of an appeal, the city's governing body, or other appeals board established by the city's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) days' notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the city shall be final.

(3) Appealing decisions of the city's governing body. Any alleged violator may appeal a decision of the city's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (2003 Code, § 11-311, as replaced by Ord. #15-471, March 2015)

14-312. – 14-331. [Deleted.] (as deleted by Ord. #15-471, March 2015 2003 Code, § 11-312)

CHAPTER 4

ZONING ORDINANCE

SECTION

- 14-401. Short title.
- 14-402. Purpose.
- 14-403. Definitions of terms used in ordinance.
- 14-404. Classification of districts.
- 14-405. Application of regulations.
- 14-406. General provisions.
- 14-407. Provisions governing use districts.
- 14-408. Minimum lot sizes for (R-1) through (R-5).
- 14-409. Exceptions and modifications.
- 14-410. Enforcement.
- 14-411. Board of zoning appeals.
- 14-412. Amendment.

14-401. Short title. This ordinance shall be known as the "Zoning Ordinance of Church Hill, Tennessee," and the map herein referred to, which is identified by the title, "Church Hill, Tennessee Zoning Map" and dated May 1982 shall be known as the "Zoning Map of Church Hill, Tennessee." The Zoning Map of Church Hill, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this chapter. (2003 Code, § 11-401)

14-402. Purpose. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (2003 Code, § 11-402)

14-403. Definitions of terms used in ordinance. Except as specifically defined herein, all words used in the ordinance have their customary dictionary definition. For the purpose of this ordinance, certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense. Words used in the singular number include the plural, and words in the plural include the singular. The word "person" includes a firm,

co-partnership, company, organization, trust, association, corporation, as well as an individual. The word "lot" includes the word "plot" or "parcel." The word "building" includes the word "structure." The word "shall" is mandatory, not directory. The word "used" or "occupied" as applied to any land or building shall be determined to include "intended," as in arranged or designed to be used or occupied.

(1) "Access." The right to cross between public and private property, thus allowing pedestrians and vehicles to enter and leave property.

(2) "Accessory use or accessory structure." A use or structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.

(3) "Adult-oriented establishments." Establishments that cater to an exclusively or predominantly adult clientele and which feature sexually explicit products and/or entertainment. Examples of such establishments includes but are not limited to: adult book stores, adult theaters, adult motion picture theaters, adult cabarets and other enterprises that regularly feature materials, acts, or displays involving male or female nudity and/or sexually oriented activities.

(a) "Adult book store." Any establishment having more than fifty percent (50%) of the face value of its stock in trade: books, magazines, motion pictures, periodicals, and/or other materials which are distinguished or characterized by depicting, describing, or relating to male or female nudity and/or sexually oriented activities.

(b) "Adult cabaret." Any restaurant, bar, dance hall, nightclub or other such place, which features male or female dancers, strippers, or similar entertainers for the entertainment of a predominantly adult clientele.

(c) "Adult motion picture theater." Any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to male or female nudity and/or sexually oriented activities for observation by patrons therein.

(d) "Adult theater." Any theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances characterized by male or female nudity and/or sexually oriented activities.

(4) "Alley." A public or private way that provides only a secondary means of access to property.

(5) "Apartment." A form of multi-family housing which is "attached" and which contains three (3) or more dwelling units for lease.

(6) "Automobile wrecking yard." Commonly referred to as a "junk yard," it is a premises used for the storage or sale of five (5) or more inoperative used automobiles (to include trucks, buses, trailers, and vehicular machinery)

and parts of same, or for the storage, dismantling, or abandonment of junk, obsolete automobiles or parts thereof.

(7) "Bed and breakfast inn." A residential unit in which up to four (4) guest rooms are available for overnight accommodation and breakfast for registered guests is provided.

(8) "Berm." A mounded or raised area of soil or other material used to obstruct views, decrease noise, and/or otherwise act as a buffer between incompatible land uses.

(9) "Buffer strip." Plant material, to include trees, shrubs, and/or grasses, of such growth characteristics as will provide an obscuring screen not less than ten (10) feet in width and not less than six (6) feet in height when planted. The planning commission may approve the use of other materials to provide a buffer strip if the situation warrants.

(10) "Building." Any built structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property of any kind.

(a) "Building, accessory." A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

(b) "Building, principal." A building in which the primary use of the lot on which the building is located is conducted.

(11) "Building height." The vertical distance measured from the finished grade at the building line to the highest point of the roof.

(12) "Building official." Also commonly referred to as the "building inspector," the officer, or his duly authorized representative, charged with the administration and enforcement of this ordinance.

(13) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided herein.

(a) "Building setback line, front." A line delineating the minimum allowable distance between the street right-of-way and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

(b) "Building setback line, rear." A line delineating the minimum allowable distance between the rear property line and a building on a lot. The rear building setback line extends the full width of the lot. The rear building setback line may differ for the principal building and any accessory building.

(c) "Building setback line, side." A line delineating the minimum distance between the side property line and a building on a lot. The side building setback line extends from the front building setback line to the rear building setback line. The side building setback line may differ for the principal building and any accessory building.

(14) "Clinic." A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

(15) "Club." A building or facility owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

(16) "Cluster development." A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

(17) "Conditional use." A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

(18) "Condominium." A multi-unit development offering individual ownership of said units.

(19) "Day care center." A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of eight (8) or more children under seventeen (17) years of age for less than twenty-four (24) hours per day, without transfer of custody. The term "day care center" also includes child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluded are schools graded 1 - 12 and kindergartens operated by governmental units or by religious organizations).

(a) "Day care center, adult." A place operated by a person, society, agency, corporation, institution, or other group that receives payment for the care of persons over eighteen (18) years of age for less than twenty-four (24) hours per day. The adult day care center shall provide a structured program of personalized care for adults who are not capable of full independent living as a result of physical disability, developmental disability, emotional impairment, or frailty resulting from advanced age.

(20) "Dental clinic." A facility for the examination and treatment of patients for oral health on an out-patient basis.

(21) "Dwelling unit." One (1) or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with separate toilets and facilities for cooking and sleeping.

(22) "Dwelling, single-family." A building designed, constructed, and used for one (1) dwelling unit.

(23) "Dwelling, two-family or duplex." A building designed, constructed or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.

(24) "Dwelling, multi-family." A building designed, constructed or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.

(25) "Family." An individual, or two (2) or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as a single housekeeping unit. Expressly excluded from this definition are lodgers or tenants.

(26) "Funeral home." A building or part thereof used primarily for human funeral services. Such buildings may contain space and facilities for:

- (a) Embalming and performance of other services used in the preparation of the dead for burial;
- (b) Facilities for cremation; and
- (c) Storage of funeral caskets and funeral urns, and other related funeral supplies.

(27) "Farming." This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, forests and woods, provided however, all health codes of Church Hill and Hawkins County are complied with.

(28) "Home occupation." An occupation for gain or support which is customarily conducted within the home, which is incidental to the use of the building as a dwelling unit, which employs not more than two persons who are not residents of the premises, and which occupies not more than thirty percent (30%) of the area of the ground floor of the dwelling unit.

(29) "Lot." A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

(a) "Lot, corner." A lot abutting two (2) or more streets, exclusive of alleys, at their intersection.

(30) "Lot area." The total horizontal area within the lot lines of a lot, exclusive of street rights-of-way and easements of access to other property.

(31) "Lot line." The property line bounding a lot.

(a) "Lot line, front." The lot line separating the lot from the street that provides access to the lot.

(b) "Lot line, rear." The lot line which is opposite and most distant from the front lot line.

(c) "Lot line, side." Any lot line not a front or rear lot line.

(32) "Lot of record." A lot, the boundaries of which are filed as legal record.

(33) "Lot width." The width of a lot at the required front building setback line.

(34) "Manufactured home." Commonly called a "mobile home," manufactured home is a single- or multi-sectional unit which is built on a permanent chassis and designed for use with or without a permanent

foundation when connected to the required utilities. The plumbing, heating, air conditioning, and electrical systems are complete. A manufactured home can be transported in one or more sections, and in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length. When erected on site the structure contains at least three hundred twenty (320) square feet. It is constructed to National Manufactured Home Construction and Safety Standards, identifiable by a red and silver seal.

(35) "Manufactured home park." Commonly called a "mobile home park." Any single plot or tract of land containing, or designed for and intended to contain, two (2) or more manufactured homes for permanent residence, where manufactured home spaces are leased or rented to the homeowner by the land owner.

(36) "Manufactured home space." A leased area within a manufactured home park which is developed to contain one (1) manufactured home and its associated parking, patios, decks, utilities, landscaping, and private recreation area.

(37) "Manufactured home subdivision." A subdivision of land designed for occupancy by manufactured homes exclusively and where the individual lots are sold to the occupants.

(38) "Medical clinic." A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or substance abuse treatment facility as per the Church Hill Zoning Ordinance.

(39) "Methadone treatment clinic or facility." A licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Church Hill Zoning Ordinance.

(40) "Modular home." A home constructed in a factory, like manufactured home, but which is not built on a permanent chassis, and which requires placement on a permanent foundation. It is constructed to the Tennessee Modular Building Code, and is identified by a green seal.

(41) "Nonconforming use." A building, structure, or use of land lawfully existing at the time of enactment of this ordinance or any amendment thereto, which does not conform to the requirements of the zone in which it is located.

(42) "Off-street parking." A parking space provided in a parking lot, parking structure, or private driveway.

(43) "Planned unit development." A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings open spaces, and other site features and improvements.

(44) "Principal use." The primary use of a property, which is permitted under the zoning regulations which apply to the district in which the use is located.

(45) "Recreational vehicle." A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

(46) "Recycling center." A building in which recoverable resource materials are separated and processed prior to shipment to others who will use those materials to manufacture new products.

(47) "Recycling collection point." An incidental use that serves as a neighborhood or regional drop-off point for recoverable resources, located either in a container or small structure. This facility would generally be located in a shopping center parking lot or in other public/semi-public areas.

(48) "Repair garage." A building in which motor vehicles are repaired, rebuilt, reconstructed, painted, or stored, for compensation.

(49) "Right-of-way." An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

(50) "Self-service storage facility." Commonly referred to as "mini-warehouses," a building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods and wares.

(51) "Service station." Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and major body work are conducted.

(52) "Shopping center." A grouping of retail business and service uses on a single site with common parking facilities.

(53) "Sign." A structure or device designed or intended to convey information to the public in written or pictorial form.

(a) "Sign, awning (canopy or marquee)." A sign painted, stamped, perforated, or stitched, or otherwise applied on the valance of an awning.

(b) "Sign, billboard." A sign or structure directing attention to a business, product, service, message, or entertainment which is not conducted, sold, or offered on the premises where the sign is located, or is a minor and incidental activity upon the premises where the sign is located. A billboard is deemed to constitute a principal structure or use.

(c) "Sign, business." A sign which advertises the name, logo, slogan, prices, products, or services offered by the business or activity on the premises.

(d) "Sign, free-standing." A sign supported by one or more upright poles, columns or graces places in or on the ground and not attached to any building or structure.

(e) "Sign, government." Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction, or for designation of, direction to, or announcement of activities at any public property or facility.

(f) "Sign, illuminated." A sign illuminated in any manner by an artificial light source.

(g) "Sign, off-premise." (See Sign, Billboard).

(h) "Sign, portable." A sign that is not permanently affixed to a building, other unmovable structure, or to the ground.

(i) "Sign, roof." Any sign erected upon, against, or directly above a roof or roof eave, or on top of or above the parapet, or on a functional architectural appendage above the roof or roof eave.

(j) "Sign, temporary." A sign intended for use for only a limited period of time.

(k) "Sign, wall." A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

(l) "Sign, window." A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

(54) "Sign area." The area of a sign shall be the area of the smallest rectangle that encloses the sign and its frame, if any. For a two-sided sign, only the area of a single side shall be considered, or if the two sides are of different size, the area of the larger shall be considered.

(55) "Site plan." A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

(56) "Street." A public or private thoroughfare used, or intended to be used, for vehicular traffic.

(a) "Street, arterial." A street that provides for traffic movement between areas and across portions of the city and, secondarily, for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.

(b) "Street, collector." A street that provides for traffic movement within areas of the city and between the arterial streets and the local streets for direct access to abutting properties, as indicated on the Zoning Map of the City of Church Hill.

(c) "Street, local." A street that has the sole purpose of providing frontage for service and access to private lots in the city.

(57) "Structure." Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

(58) "Substance abuse treatment facility." A licensed facility with purpose of providing out-patient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. A substance abuse treatment facility is not a medical clinic or methadone treatment clinic or facility as per the Church Hill Zoning Ordinance.

(59) "Total floor area." The sum of the areas of all floors of a building including finished attic, finished basement, and covered porches.

(60) "Tower." Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.

(61) "Townhouse." A single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having open space for light, air, and access in the front and rear.

(62) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is occupied or maintained.

(63) "Variance." A relaxation of the terms of the zoning ordinance which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and/or undue hardship.

(64) "Yard." An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

(a) "Yard, front." The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

(b) "Yard, rear." The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.

(c) "Yard, side." A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches. (2003 Code, § 11-403, as amended by Ord. #09-434, April 2009, and Ord. #11-446, July 2011)

14-404. Classification of districts. (1) Classification of districts. For the purpose of this chapter Church Hill, Tennessee is hereby divided into ten (10) districts, designated as follows:

- R-1 - Low density residential district
- R-2 - Medium density residential district
- R-3 - Medium density residential district
- R-4 - High density residential district
- R-5 - Mobile home park district
- B-1 - Neighborhood business district
- B-2 - Central business district
- B-3 - Arterial business district
- B-4 - Shopping center district
- M-1 - Industrial district

(2) Boundaries of districts. (a) The boundaries of districts in subsection (1) of this section are hereby established, as shown on the map entitled "Zoning Map of Church Hill, Tennessee," dated April 1980, as amended, which is part of this chapter and which is on file in the office of the city recorder.*

- *Zoning Map amended by Ord. # 278, 06-20-95.
- Zoning Map amended by Ord. # 283, 08-15-95.
- Zoning Map amended by Ord. # 286, 09-19-95.
- Zoning Map amended by Ord. # 291, 03-14-96.
- Zoning Map amended by Ord. # 294, 06-18-96.
- Zoning Map amended by Ord. # 296, 08-01-96.
- Zoning Map amended by Ord. # 297, 09-17-96.
- Zoning Map amended by Ord. # 305, 08-01-96.
- Zoning Map amended by Ord. # 306, 08-01-96.
- Zoning Map amended by Ord. # 310, 08-01-96.
- Zoning Map amended by Ord. # 311, 09-17-96.
- Zoning Map amended by Ord. # 312, 08-01-96.
- Zoning Map amended by Ord. # 313, 06-18-96.
- Zoning Map amended by Ord. # 314, 08-01-96.
- Zoning Map amended by Ord. # 315, 08-01-96.
- Zoning Map amended by Ord. # 319, 06-16-98.
- Zoning Map amended by Ord. # 320, 11-07-98.
- Zoning Map amended by Ord. # 326, 01-08-99.
- Zoning Map amended by Ord. # 331, 08-17-99.
- Zoning Map amended by Ord. # 332, 08-17-99.
- Zoning Map amended by Ord. # 334, 09-21-99.
- Zoning Map amended by Ord. # 335, 09-21-99.
- Zoning Map amended by Ord. # 336, 10-19-99.
- Zoning Map amended by Ord. # 339, 02-15-00.
- Zoning Map Amended by Ord. # 361, 03-22-02.
- Zoning Map Amended by Ord. # 373, 01-21-03.
- Zoning Map Amended by Ord. # 376, 02-18-03.
- Zoning Map Amended by Ord. # 387, 07-15-03.
- Zoning Map Amended by Ord. # 391, 01-20-04.

Zoning Map Amended by Ord. # 398, 07-20-04.

Zoning Map Amended by Ord. # 404, 09-21-04.

Zoning Map Amended by Ord. # 405, 12-21-04.

Zoning Map Amended by Ord. # 412, 07-19-05.

Zoning Map Amended by Ord. # 07-423, 11-20-07.

(b) Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of this chapter. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

(c) Where a district boundary divides a lot, as existing at the time this chapter takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty-five (25) feet within the more restricted district. (2003 Code, § 11-404, as amended by Ord. #15-473, May 2015)

14-405. Application of regulations. (1) Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

(2) Street frontage. No dwelling shall be erected on a lot which does not abut an existing city street for at least fifty (50) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of forty (40) feet if the lot is at least fifty (50) feet in width at the building line.

(3) Corner lots. The minimum width of a side yard along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located.

(4) One principal building on a lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot.

(5) Reduction of lot size. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other provisions of this chapter shall not be maintained.

(6) Yard and other spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building.

(7) Conformity to subdivision regulations. No building permit shall be issued for nor shall any building be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Church Hill Regional Planning Commission.

(8) Height and density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

(9) Annexations. All territory which may hereafter be annexed to the City of Church Hill, Tennessee shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

(10) Private subdivision restrictions. No municipal regulation or provision of this zoning ordinance is intended to abrogate or supersede any more stringent conditions which may be contained in any valid deeds or contracts pertaining to private subdivision developments or which may be set out in private restrictive covenants regarding the use of property and the size and location of buildings thereon within the municipal limits. The standards set out in this zoning ordinance are considered minimum standards for the entire municipality. Private individuals are free to contract between themselves for more restrictive conditions on their private property so long as they also comply with the provisions of this chapter and all other applicable municipal ordinances. (2003 Code, § 11-405)

14-406. General provisions. (1) Continuance of nonconforming uses. Any lawful use of any building or land existing at the time of the enactment of this chapter or wherever a district is changed by an amendment thereafter may be continued although such use does not conform with provisions of this chapter with the following limitations:

(a) No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this chapter for the district in which it is located, provided, however, that nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this chapter; industrial, commercial, or other business establishments shall conform with provisions established in Tennessee Code Annotated, § 13-7-208.

(b) Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the building inspector determines that the building is damaged to the extent of more than seventy-five percent (75%) of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this chapter.

(c) When a nonconforming use of any building or land has ceased for a period of one (1) year, it shall not be re-established or changed to any use not in conformity with the provisions of this chapter.

(d) All nonconforming outdoor advertising signs, junk yards, commercial animal yards, and lumber yards not on the same lot with a

plant or factory shall be required to conform to the provisions of this chapter upon official notification by the building inspector.

(2) Off street automobile parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred (200) square feet in area (10' x 20') and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into any collection or arterial street. Back out parking may be permitted on residential streets.

(a) Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.

(b) Churches: One space for each three (3) seats.

(c) Clubs and lodges: One space for each two hundred (200) square feet of floor space.

(d) Dwellings:

(i) Single and duplex - two spaces for each unit.

(ii) Multi-family - three spaces for each unit.

(e) Funeral parlors: One space for each three (3) seats in the chapel.

(f) Gasoline service stations and similar establishments: Four spaces for each bay or similar facility plus one (1) space for each employee.

(g) Hospitals and nursing homes: One space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four (4) beds, computed on the largest number of employees on duty at any period of time.

(h) Hotel: One space for each three (3) employees plus one space for each guest room.

(i) Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.

(j) Motels: One space for each three (3) employees plus one space for each accommodation.

(k) Offices:

(i) Medical - one space for each two hundred (200) square feet of floor space.

(ii) Other professional - one space for each three hundred (300) square feet of floor space.

(iii) General - one space for each three hundred (300) square feet of floor space

(l) Places of public assembly: One space for each three (3) seats in the principal assembly room or area.

(m) Recreation and amusement areas without seating capacity: One space for each four (4) customers, computed on maximum service capacity.

(n) Restaurants: One space for each three (3) employees, plus one space for each fifty (50) square feet of floor space devoted to patron use.

(o) Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.

(p) Schools: High schools require one space for each faculty member, plus one space for each four (4) pupils. Elementary and junior high schools require four (4) spaces for each classroom.

(q) Mobile home parks: Two spaces for each mobile home.

(r) Wholesale business: One space for each two (2) employees based on maximum seasonal employment.

(s) If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted the board of zoning appeals may permit such space to be provided on other off street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any matter.

(t) Extension of parking space into a residential district: Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that:

(i) The parking space adjoins a commercial or industrial district

(ii) Has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and

(iii) Is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.

(3) Off-street loading and unloading space. On every lot on which business, trade, or industry use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

(a) Retail business: One space of at least 12 X 25 feet for each three hundred thousand (3,000) square feet of floor area or part thereof.

(b) Wholesale and industrial: One space of at least 12 X 50 feet for each ten thousand (10,000) square feet of floor area or part thereof.

(c) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

(4) Vision clearance. In all districts except the B-2 Central Business District, there shall be no plants or structures placed in or on any yard portion of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

(5) Mobile home. The use of a trailer or mobile home as a principal building in other than an approved mobile home park is prohibited.

(6) Ingress and egress. A plan for adequate and safe ingress and egress for all land uses shall be required.

(7) Apartments and condominiums. An apartment project is defined as any group of two (2) or more buildings to be constructed on one (1) parcel of land. A condominium (condo) is one defined as a comprehensive residential or commercial development where project design does not include standard street, lot and subdivision arrangement, and where shares, property, or units are to be sold. Apartments or condo projects may be allowed upon review and approval by the Church Hill Planning Commission provided that the following are met:

(a) Basic requirements. (i) A site plan showing the location of proposed buildings, roads, drives, parking utilities, drainage, and any other information necessary for review must be presented to the planning commission.

(ii) The planning commission should not approve a use prohibited, or a smaller lot area per family than the minimum required, or a graded height, or a larger lot coverage than permitted in the district where the project is located without good cause shown.

(iii) When property is subdivided for the purpose of selling either proposed or existing townhouses, duplexes or similar housing units, the following requirements apply; side yard setbacks will not be required where housing units connect at property lines and road frontage requirements may be reduced.

(b) Development standards. (i) All common driveways and parking areas for apartments and condo's must be paved with hot asphalt or concrete. A compacted base course four (4) inches deep shall be installed as specified in section 303 Standard Specifications for Roads and Bridge Construction, Tennessee Department of Highways latest version. A two (2) inch surface course of asphalt as specified under Section 411, Asphaltic Concrete Surface (hot mix) Grade E, mixed with sand Standards Specifications for Road or Bridge Construction, Tennessee Department of Highways latest version is required. A four (4) inch surface course of concrete may be used as an alternative to two (2) inches of asphalt.

(ii) A planted buffer strip shall be provided along side and rear lot lines. The planning commission may waive this

requirement if the adjoining property is vacant, has a natural buffer, etc.

(iii) Apartments and PUDs must be final graded and seeded.

(c) Approval requirements. (i) A plat for the conversion of rental units to condos must be approved by the Church Hill Planning Commission. A copy of the condo agreement providing for the maintenance of common areas drafted by an attorney must be submitted.

(ii) Design approval and final approval by the planning commission shall be required before any condo units can be sold. Also, apartment units shall have all improvements completed before any units are occupied. Projects may be developed in stages, but a design plan must be approved for the whole project. Each stage will be given final approval once all improvements have been made. A partial sale of some condo units or partial rental of some apartment units may be allowed by the planning commission with the reason documented in the minutes. Letters of credit or bonds may be approved by the planning commission to cover the cost of improvements not completed for condos or apartments by the planning commission with the reason documented in the minutes.

(8) Communication facilities. (a) Communication towers for mobile telephone services and other radio and television services which provide for the needs of the citizens of the municipality will use the following standards, to minimize adverse visual and operational effects of towers through careful design, siting, and screening; to avoid potential damage to adjacent properties from tower failure and falling ice, through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed.

(i) Application for a building permit for such communication facility shall include:

(A) A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, which demonstrates the tower's compliance with applicable structural standards, building codes, electrical codes, and fire codes; and describes the tower's capacity, including the number and type of antennas it can accommodate. In case of an antenna mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures, couplings and the precise point of attachment shall be indicated.

(B) An adequate report inventorying existing towers and antenna sites within a reasonable distance from the proposed site, outlining the opportunities for shared use as an alternative to the proposed use. The applicant must demonstrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:

(1) Unwillingness of the owner to entertain a cellular telephone facility proposal;

(2) The equipment would exceed the structural capacity of the existing approved tower and facilities;

(3) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;

(4) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;

(5) Other reasons make it impractical to place the equipment proposed by the applicant on existing and approved towers or facilities.

(C) A site plan shall be approved by the Church Hill Regional Planning Commission prior to the building inspector issuing a permit.

(9) The following standards shall be used in design of the facilities:

(a) Setback - Minimum setback shall be twenty percent (20%) of tower height or equal to the existing zoning district, whichever is greater. Setback shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. Ground structures shall not be located within required setbacks;

(b) Landscaping and screening - The visual impact of a telecommunication facility shall be mitigated from nearby views by an evergreen screen located outside the fence. This screen may consist of evergreen trees having a minimum height of six feet (6) at planting and a minimum height of fifteen feet (15) at maturity, or a continuous hedge with three feet (3) height at planting and six feet (6) height at maturity. Sites may be exempted from the landscaping requirement provided the building inspector finds the vegetation or the topography of the site provides a natural buffer.

(c) Fencing - A chain-link fence or solid wall not less than eight (8) feet in height from finished grade shall be provided around each

communication facility. Access to the facility shall be through a locked gate.

(d) Lighting - The facility shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. All lighting shall be oriented inward so as not to project into surrounding property.

(e) Radiation standards - All proposed communications facilities shall comply with current standards of the Federal Communications Commission or American National Standards Institute for non-ionizing electromagnetic radiation (NEIR) and electro-magnetic fields (EMF). Each request for a building permit shall be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.

(f) Aircraft hazard - Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.

(g) Equipment storage - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site unless repairs are being made.

(h) Removal of obsolete or unused facilities - All obsolete or unused communications facilities shall be removed by the property owner within twelve (12) months of cessation of use. The applicant shall submit an executed removal agreement to ensure compliance with this requirement.

(i) Signs and advertising - The use of any portion of a tower for signs or advertising purposes, including banners, streamers, etc. is prohibited. Warning signs or identification signs will be permitted.

(j) Maintenance - Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and prevent dangerous conditions occurring on the site.

(k) Access and parking - All access roads and parking areas for facilities adjacent to platted subdivisions, or developed areas shall be paved as required by the zoning ordinance and subdivision regulations. The requirements may be waived by the building inspector for rural or undeveloped areas.

(l) Changes to communication facilities - Any changes to antennae, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.

(10) Site plan review. In order to maintain the aesthetic characteristics of the community and protect the safety and welfare of its citizens, site plans shall be required for all proposed developments, excepting single-family and two-family structures on individual lots that are not part of a planned unit development. Prior to being issued a building permit, final site plan approval by the planning commission shall be required, except that site plans for additions

to existing structures may be approved by the building inspector provided that access points for the development do not change, or no more than ten (10) parking spaces are required to be added to the site.

(11) In order to provide flexibility for the developer while protecting existing property, the City of Church Hill provides for three (3) classifications of site plans, with varying requirements. The three are:

(a) Concept plan. Concept site plans shall contain the following information: location map including sufficient information to identify the property; boundaries of the property with dimensions; scale of the plan (1" to 40' or larger); existing and proposed zoning classification; zoning and land use of adjoining properties; north arrow; proposed driveways with dimensions; names and locations of public streets abutting the property; sizes and locations of proposed structures; locations of proposed landscape areas; name of the property owner; acreage of the property; tax map identification number or address of the property; date of the plan; proposed use; number of stories; total square footage of the proposed structures; locations of existing structures (identified by dashed lines if intended for removal); location and dimensions of parking and loading areas; table listing the numbers of parking and loading spaces required and the numbers proposed.

(b) Preliminary plan. Preliminary site plans shall contain the information as described for concept plans, as well as the following information: required setbacks; revision dates of plans (if applicable); sizes and locations of existing utilities; general sizes and locations of proposed utilities; dumpster/garbage collection area; paving material; and extent of proposed paving.

(c) Final plan. Final site plans shall be drawn and stamped by an architect, engineer, surveyor licensed in the State of Tennessee and shall contain the information as described for preliminary plans, as well as the following information: property lines with accurate bearings and dimensions; drainage plans sufficient to meet the requirements of chapter 3, Stormwater Management, Erosion and Sedimentation Control, of the Church Hill Municipal Code, (detailed on a separate sheet); locations of free-standing signs; accurate locations of proposed utilities and utility easements; note stating that exterior lights will be positioned or shielded in such a way that the minimum amount of light practicable spills onto adjacent properties and rights-of-way, or into the sky.

(d) Only the Church Hill Regional Planning Commission may amend a site plan which it has approved, except that amendments which fully meet the requirements of the zoning ordinance may be approved by the city building inspector and/or planning staff representative without further action by the commission. If any question arises as to compliance, however, the plan shall be referred to the planning commission for action. Such amendments shall be of minor significance and shall generally

relate to adjustments of previously approved plan features. Such amendments must meet the provisions of the zoning ordinance. Such amended plans shall also have written on them the exact changes made. Any plans that are amended through approval by the building inspector and/or the planning staff representative shall be presented to the planning commission at its next scheduled meeting and properly entered into the minutes.

(e) Approval of a preliminary site plan shall be effective for a period of twenty-four (24) months, during which time a final plan shall be filed and approved. Approval of a final plan shall be effective for a period of twenty-four (24) months, after which time the planning commission may require submission of a new final site plan. (2003 Code, § 11-406)

14-407. Provisions governing use districts. (1) Low-Density Residential Districts (R-1). The intent of the Low Density Residential District (R-1) is to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to accommodate individual and family private living needs. In order to achieve this intent, the following principal, accessory, special exception and prohibited uses are established:

(a) Principal uses:

(i) Single family detached dwellings;

(ii) Customary general farming ordinarily engaged in within eastern Hawkins County;

(b) Accessory uses:

(i) One customary accessory building provided that it is located in the rear yard and not closer than five (5) feet to any property line. No principal or accessory structure, or combination thereof, shall cover more than thirty-five (35%) percent of any lot. If more restrictive conditions are contained in any deed or are imposed by any contractual arrangement in any subdivision, those more restrictive conditions shall take precedence.

(c) Special exceptions, upon a finding by the board of zoning appeals that the manner of use will be in harmony with the character of the district, will be substantially the same character of occupancy, and the intensity of land use is no higher and a standard of open space no lower than that permitted in the district generally:

(i) Customary home occupations accessory to a single-family residential dwelling provided that there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than thirty

percent (30%) of the total floor area of the principal structure is so used;

(ii) Commercial green houses, permanent commercial produce stands or similar agricultural uses of any kind accessory to customary general farming ordinarily engaged in within eastern Hawkins County;

(iii) Publicly owned buildings and uses, schools offering general education, and churches and other semi-public uses provided that;

(A) The location of these uses shall first be reviewed and approved after having held a public hearing;

(B) The buildings are placed not less than thirty (30) feet from the side and rear property lines;

(C) There are buffer strips along side and rear property lines;

(d) Prohibited uses:

(i) Residential other than single-family detached dwellings;

(ii) Retail sales and services, wholesaling, offices, industrial and all other business uses than customary home occupations;

(iii) Concentrated commercial farming activities not ordinarily engaged in within eastern Hawkins County;

(iv) Communication facilities.

(2) Medium Density Residential District (R-2). It is the intent of this district to provide areas for single and condominium, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or condominium. In order to achieve the intent of the Medium Density Residential District (R-2), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

(a) Any use permitted in the R-1 Residential District;

(b) Duplexes

(c) Condominium dwelling units per § 14-406(7) Condominiums;

(d) Funeral homes, fraternal organizations and clubs not operated for profit, offices for doctors, lawyers, dentists, architects, real estate agencies, and insurance agencies provided that:

(i) They shall be located on designated arterial or collector streets;

(ii) The building shall be placed not less than fifty (50) feet from all property lines;

(iii) There is a planted buffer strip erected on the side and rear property lines.

(3) Medium Density Residential District (R-3). It is the intent of this district to provide areas for single and multi-family dwellings, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or multi-family dwellings. In order to achieve the intent of the Medium Density Residential District (R-3) as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in the R-2 residential district.
- (b) Multi-family dwelling units per § 14-406(2) Apartments and Condominiums.
- (c) Day care centers.

(4) Planned Unit Development District (R-4). It is the intent of this conditional rezoning district to allow, coordinate and regulate large scale or comprehensive group developments which may not follow standard design practices. Planned Unit Developments (PUDs) will allow increased densities, the grouping of housing, open spaces and setbacks that are not traditional. It is the intent that the development will contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

- (a) Conditions for rezoning:
 - (i) Ownership: All of the land contained within a proposed PUD must be owned at the time of application for rezoning by the same individual, corporation or legal entity.
 - (ii) Preliminary site plan: At the time of application for rezoning to R-4 a site plan shall be submitted to the planning commission for preliminary approval. Said PUD design shall:
 - (A) Not be incompatible with existing land use in the area,
 - (B) Not be inconsistent with the goals and policies of the Church Hill comprehensive land use plan,
 - (C) Be located on a major artery as defined in the Church Hill major road plan providing for adequate ingress and egress for traffic that will not create safety or traffic problems and
 - (D) Provide adequate off-street parking and loading space.
 - (iii) Minimum size: The minimum size that will qualify for PUD zoning will be five (5) acres.
 - (iv) Permitted uses: The PUD district is primarily a single-family residential district with small percentages of the total land area within a PUD being available for multifamily as allocated by:

(A) A minimum of fifty percent (50%) of the land area shall be for single-family residential development if multi-family development is proposed,

(B) No more than twenty percent (20%) of the land area shall be used for multi-family development and said units shall not be located next to any adjacent pre-existing single-family residential units and

(C) At least thirty percent (30%) of the land area, not including streets, shall be open space in common ownership of the PUD's homeowners association.

(D) In no case shall development exceed seventy percent (70%) of the total land area.

(v) Density: The gross density for a PUD shall not exceed twelve (12) units per acre.

(vi) Streets: All streets within the PUD shall be private and constructed to the specifications of Church Hill as to street widths, street grade, and construction standards.

(vii) Utilities: All utilities shall be publicly owned and maintained and constructed to the specifications of Church Hill. They shall be located in designated utility easements not less than fifteen (15) feet wide.

(viii) Buffering/landscaping: The outer boundaries of the PUD will provide for a system of buffering the development from adjacent properties and must be approved by the planning commission.

(b) Preliminary site plan/zoning approval: The preliminary approval process shall commence with the submission of a request to the planning commission for a zone reclassification to R-4 and a preliminary site plan. Once approved by the planning commission, the city clerk shall submit the planning commission's positive recommendation for R-4 zoning to the Church Hill Board of Mayor and Alderman for a public notice, public hearing and final ordinance action to conditionally amend the official zoning map. Copies of the preliminary site plan shall be available for public review at city hall prior to and during the public hearing.

As a condition of the zoning action, failure of the developer to obtain final site plan approval, necessary permits, and start of construction within one (1) year of final ordinance approval by the Church Hill Board of Mayor and Alderman will:

(i) Void the planning commission's preliminary site plan approval and

(ii) The zoning of the property will revert back to its original zone prior to the PUD request.

(c) Final site plan approval:

(i) Final site plan: After the zone reclassification has become effective, the developer shall submit to the planning commission a detailed final site plan containing at a minimum:

- (A) Outer property boundaries,
- (B) Easements (utility and drainage),
- (C) Any flood prone areas,
- (D) Open space/common ownership areas,
- (E) The location of all streets, their widths and grades,
- (F) All utilities and their respective line sizes,
- (G) Erosion control and drainage plans,
- (H) The location of all structures by type,
- (I) Information concerning building heights and set backs,
- (J) A detailed buffering and landscape plan and
- (K) Any other information required by the planning commission.

(ii) Construction plans: The developer shall submit any construction plans requested by Church Hill prior to the construction of any improvements to assure compliance with construction standards. Upon the completion of utility improvements Church Hill will be provided as built drawings.

(iii) Homeowners association: Together with the final site plan the developer shall submit a copy of the PUD's final homeowners' association documentation and restrictive covenants as part of the final approval process.

(iv) Formal approval: Upon submission of the final site plan the planning commission must take action to formally approve or reject the plans. Failure for action by the planning commission on the site plan within thirty (30) days of the formal review will constitute automatic approval.

(v) Recordation/records: After approval the developer shall submit the site plan and associated homeowner association and restrictive covenants to the office of the Hawkins County Register for recording. The Church Hill Building Official shall keep and maintain all information necessary to ensure that the PUD complies with the provision of this ordinance and conduct the necessary on-site inspections as warranted.

(vi) Permits: It shall be the responsibility of the developer to obtain all necessary permits and comply with all other, ordinances, regulations and codes applicable to the construction of this project.

(d) Modifications: After securing final site plan approval from the planning commission, all development shall be in conformity with the

approved site plan with no adjustments or alternations. Any modification will require the submission of a new site plan to the planning commission for its approval.

(5) Mobile Home Park District (R-5). It is the purpose of this district to provide exclusive areas for mobile homes which will be attractive and at a density which will prevent overcrowding, and have open space. In order to achieve the intent of the mobile home park district (R-5), as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in the R-4 residential district.
- (b) Mobile home parks provided that they conform to the requirements of the mobile home park ordinance of the City of Church Hill, Tennessee.
- (c) Communication facilities are prohibited.

(6) Neighborhood Business Districts (B-1). It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in the R-3 residential district;
- (b) Shopping centers;
- (c) Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, restaurants, and similar uses;
- (d) Business signs provided that all signs, except one (1) detached sign, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.
- (e) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of access and egress shall not less than fifteen (15) feet from intersection of street lines.

(7) Central Business District (B-2). It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial development which does not lend itself to pedestrian traffic. In order to achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Stores and shops conducting retail business, and any business permitted in the B-1 zone;

- (b) Personal, business, and professional services;
- (c) Public and semi-public buildings and uses provided that public and semi-public buildings and uses shall first be reviewed by the Church Hill Regional Planning Commission.
- (d) Business signs, parking lots and garages, and advertising signs;
- (e) Lodges and clubs; hotels and motels, restaurants, and similar services;
- (f) Apartments;
- (g) Hospitals, and nursing homes;
- (h) Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of ingress and egress shall be not less than fifteen (15) feet from intersection of street lines.
- (i) Funeral homes;
- (j) Places of assembly.

(8) Arterial Business Districts (B-3). It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of these districts, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

- (a) Any use permitted in B-1 Districts, except mobile homes;
- (b) Hotels and motels;
- (c) Auto and mobile homes sales;
- (d) Restaurants;
- (e) Offices;
- (f) Places of amusement and assembly;
- (g) Funeral homes
- (h) Public and semi-public buildings and uses;
- (i) Travel trailer parks;
- (j) Lodges and clubs.
- (k) Wholesale business, warehouses, storage yards, and buildings;

(9) Shopping Center Districts (B-4). It is the intent of this district to establish areas for concentrated retail business development. Uses which do not require a central location and create friction in the performance of function will be discouraged from this district. The requirements are designed to protect the essential characteristics of the district by promotion of retail business or businesses which serves the general public, and to discourage industrial and wholesale development.

In order to achieve the intent of the b-4 shopping center district, as shown on the Zoning Map of Church Hill, Tennessee, the following uses are permitted:

- (a) Business signs as permitted in the B-1 district.

(b) Stores and shops conducting retail business, sales and display rooms.

(c) Motels, restaurants, and places of assembly and amusement.

(d) Small professional offices and services only by specific variance as recommended by the planning commission. The size and location of offices and service providers may be restricted if circumstances so warrant.

(10) Industrial Districts (M-1). (a) It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote, and encourage industrial, wholesaling, and business uses. In order to achieve the intent of the district, as shown on the Zoning Map of the City of Church Hill, Tennessee, the following uses are permitted:

(i) Any use permitted in business districts except residences and mobile homes;

(ii) Terminals;

(iii) Wholesale business;

(iv) Warehouses;

(v) Storage yards and buildings and similar uses;

(vi) Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the building inspector, and the Church Hill Planning Commission.

(A) Industry should not contribute to air, water, soil or noise pollution.

(B) All industrial site plans shall be submitted to the Church Hill Planning Commission for review and approval.

(b) Uses permitted upon review. Methadone treatment clinic or facility, substance abuse treatment facilities.

(i) The consideration for approval by the planning commission of a methadone treatment clinic or facility and substance abuse treatment facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.

(ii) Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for use of review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the planning commission for use in making a thorough evaluation of the proposal.

(iii) The clinic or facility shall be located on and have access to a principal arterial street.

(iv) Measurement shall be made in a straight line on the Church Hill Zoning Map from the nearest property line of the lot on which the methadone treatment clinic or facility and substance abuse treatment facility is situated to the nearest property line of the following uses:

(A) The clinic or facility shall not be located within one thousand feet (1,000') of a school, day care facility, park, church, synagogue, mosque, mortuary or hospital.

(B) The clinic or facility shall not be located within one thousand feet (1,000') of any establishment that sells alcoholic beverages for either on-or-off-premises consumption.

(C) The clinic or facility shall not be located within one thousand feet (1,000') of any area devoted to public recreation activity.

(D) The clinic or facility shall not be located within one thousand feet (1,000') of any amusement catering to family entertainment.

(E) The site shall not be less than one thousand feet (1,000') of any residential dwelling at the time of approval.

(F) The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility and substance abuse treatment facility. (2003 Code, § 11-407, as amended by Ord. #09-434, April 2009, and Ord. #15-473, May 2015)

14-408. Minimum lot sizes for (R-1) through (R-5).

District	Minimum Lot Area in sq. ft.	Minimum Area per Additional Housing Unit in sq. ft.	Maximum Number of Housing Units per Acre	Housing Units per Second Acre	Minimum Lot Width in feet at Building Setback Line	Minimum Front Setback in Feet	Minimum Side Setback (each side) in Feet	Minimum Rear Setback in Feet	Maximum Height of Structures in Feet
R-1	12,000	N/A	3.6	3.6	80	30	15	25	35
R-2	10,000	5,990	6.6	7.3	70	30	10	20	35
R-3	10,000	3,900	9.6	11.2	70	30	8 per story	20	35
R-4	10,000	2,890	12.6	15.1	70	30	8 per story	20	35
R-5	10,000	2,890	12.6	15.1	70	90	8 per story	20	35
B-1	10,000*	2,890	12.6	15.1	70	30	10^	25	35
B-2	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-3	10,000*	2,890	12.6	15.1	70	30	10^	25	70
B-4	N/A	N/A	N/A	N/A		30	10	25	70
M-1	N/A	N/A	N/A	N/A		30	20	25	70

See 11-405, Section C of the Zoning Ordinance

*Applies only to residential dwelling units

^For residential uses, side setbacks are eight (8) feet per story in B-1 through B-3 zones (2003 Code, § 11-408)

14-409. Exceptions and modifications. (1) Lot of record. Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of this chapter does not own sufficient land to enable him to conform to the yard or other requirements of this chapter, an application may be submitted to the board of zoning appeals for a variance from the terms of this chapter, in accordance with § 14-411(4)(c). Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as close as is possible in the opinion of the board of zoning appeals.

(2) Front yards. The front yard requirements of this chapter for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

(3) Group housing project. In the case of a group housing project of two (2) or more buildings to be constructed on a plot of ground of at least one (1) acre not subdivided or where the existing or contemplated street and lot layouts make it impractical to apply the requirements of this chapter to the individual building units in such housing projects, the application of the terms of this chapter may be varied by the board of zoning appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use is no higher and a standard of open space no lower than that permitted by this chapter in the district in which the proposed project is to be located. However, in no case shall the board of zoning appeals authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this chapter permit in such district.

(4) Exception of height limits. The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyers, flag poles, radio towers, mast and aerials. (2003 Code, § 11-409)

14-410. Enforcement. (1) Enforcing officer. The provisions of this chapter shall be administered and enforced by a building inspector appointed by the mayor and approved by the board of mayor and aldermen, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

(2) Building permits and certificates of occupancy. (a) Building permit required. It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to

commence the moving or alteration of any building, including accessory buildings, until the building inspector has issued a building permit for such work. No connection to any utility shall be made by any individual or corporation until the issuance of a building permit.

(b) Issuance of a building permit. In applying to the building inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether proposed excavation or construction as set forth in the application are in conformity with the provisions of this chapter and other ordinances of the City of Church Hill, then in force. The building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing, with the cause.

(i) The issuance of a permit shall in no case be construed as waiving any provision of this chapter.

(ii) A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

(c) Certificate of occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this chapter. Within five (5) days after notification that a building or premises or part thereof, is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof, and the proposed use thereof are found to conform with the provisions of this chapter; or, if such certificate is refused, to state such refusal in writing with the cause.

(d) Records. A complete record of such application, sketches, and plans shall be maintained in the office of the building inspector.

(3) Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) dollars nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

(4) Remedies. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute

injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land. (2003 Code, § 11-410)

14-411. Board of zoning appeals. (1) Creation and appointment. A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, title 13. The Church Hill Planning Commission is hereby designated as the board of zoning appeals. It shall be appointed by the mayor of the city and confirmed by the majority vote of the board of mayor and aldermen. The term of individual membership shall be concurrent with appointment on the church hill planning commission.

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

(3) 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, board, 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. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

(4) Powers. The board of zoning appeals shall have the following powers:

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

(b) Special exceptions. To hear and decide applications for special exceptions upon which the board of zoning appeals is specifically authorized to pass § 14-404(2)(b); § 14-406(1)(b); § 14-407(3)(b); § 14-408.

(c) Variance. To hear and decide applications for variance from the terms of this chapter, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this chapter was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions on a piece of property the strict application of the provisions of this chapter would result in exceptional practical difficulties to, or exceptional and undue hardship upon, the

owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance as specifically authorized in 14-409(1) and (3).

(i) In granting a variance the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this chapter.

(ii) Before any variance is granted, it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. (2003 Code, § 11-411)

14-412. Amendment. (1) Procedure. The board of mayor and aldermen may amend the regulations, boundaries, or any provision of this chapter. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the board of mayor and aldermen requesting an amendment or amendments to this chapter.

(2) Approval by planning commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

(3) Introduction of amendment. Upon the introduction of an amendment to this chapter or upon the receipt of a petition to amend this chapter, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the City of Church Hill, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice. An appropriate sign shall be erected on the property that would be affected by the proposed change.

(4) Any request for rezoning property located within city boundaries shall be accompanied by a non-refundable fee in an amount to be set by the board of mayor and aldermen by resolution. (2003 Code, § 11-412)

CHAPTER 5

MOBILE HOME PARKS

SECTION

14-501. Purpose of regulations; permit required for construction, alteration, etc.

14-502. Definitions.

14-503. Procedures for park approval.

14-504. Minimum design standards.

14-505. Permits and park operation.

14-506. Enforcement.

14-501. Purpose of regulations; permit required for construction, alteration, etc. The regulations as herein set forth have been made in accordance with a comprehensive planning program for the purpose of promoting the health, safety, morals, and general welfare of the community. The regulations have been designed to lessen congestion, secure safety from fire, panic and other danger, provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate adequate provision for public facilities such as transportation, water, sewerage, parks, schools, and other public requirements.

It shall be unlawful for any person, firm, or corporation to construct, alter, or extend a mobile home park unless it is a permitted use within the zoning district and a valid permit is issued by the building inspector in the name of such person, firm, or corporation for the specific construction, alteration, or extension proposed. (2003 Code, § 11-501)

14-502. Definitions. (1) "Mobile home." A detached, single family unit with all of the following characteristics:

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

(b) Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels;

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

(2) "Mobile home park" shall mean any plot of ground containing a minimum of five (5) acres upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale.

(3) "Buffer strip" shall mean a plant material or other material as may be required by the Church Hill Regional Planning Commission which shall provide an immediate screen of not less than five (5) feet with the use of plant materials or not less than six (6) feet with the use of other materials.

(4) "Health officer" shall mean the health officer of Church Hill, Tennessee, or his authorized representatives.

(5) "Building inspector" shall mean the building inspector of Church Hill, Tennessee, or his authorized representative.

(6) "Plumbing inspector" shall mean the plumbing inspector of Church Hill, Tennessee, or his authorized representative.

(7) "Electrical inspector" shall mean the electrical inspector of Church Hill, Tennessee, or his authorized representative.

(8) "Lot area." The total area reserved for exclusive use of the occupants of a mobile home.

(9) "Lot line." A line bounding the lot as shown on the accepted plot plan.

(10) "Permit." A written document issued by the enforcing agent permitting the construction, alteration, or expansion of a mobile home park.

(11) "Accessory structure." Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, storage cabinets, and similar appurtenant structures.

(12) "Permanent building." A building, except a mobile home, or accessory structure.

(13) "Private drive." A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.

(14) "Public street." A public way which affords the principal means of access to abutting properties.

(15) "Shall" indicates that which is required. (2003 Code, § 11-502)

14-503. Procedures for park approval. (1) Early consultation with planners. The owner or lessee of the land parcel proposed to be used as a mobile home park shall consult early and informally with the Church Hill Planning Commission and its technical staff for advice and assistance prior to the preparation of the park plan and its formal application for approval. This procedure will enable the owner or lessee to become thoroughly familiar with park regulations, other zoning regulations, and comprehensive plan elements which might affect the area.

(2) Submitting of plan. At least ten (10) working days prior to the planning commission meeting at which the park is to be considered for approval, the developer shall submit two (2) copies of the proposed park to the commission's technical staff.

(3) The general plan. The plan shall meet the minimum design standards as set forth in § 11-504 and shall give the following information:

(a) Name and location of the park;

- (b) Name(s) and address(es) of the developer or developers and the name of the designer of the park who shall be a surveyor or engineer approved by the planning commission;
- (c) Shall be drawn to a scale showing dimensions of the park with a datum, approximate north point, graphic scale, and acreage of land to be developed;
- (d) Shall denote the location of property lines, existing and planned streets, drives, and walkways, buildings, water courses, culverts, drain pipes, public utility easements, water mains;
- (e) A plan for storm water drainage;
- (f) A plan of proposed utilities - water, sanitary sewers, gas, and electricity;
- (g) A plan for recreation and open space;
- (h) A plan for refuse disposal;
- (i) A lighting plan;
- (j) A certificate of accuracy signed by the surveyor or engineer;
- (k) Certificates of appropriate approval with signatures of the health officer and the building, plumbing, and electrical inspectors;
- (l) A certificate for planning commission approval;
- (m) Any other pertinent information as may be required by the planning commission. (2003 Code, § 11-503)

14-504. Minimum design standards. (1) General. (a) A mobile home park shall be located only within the R-5 Mobile Home Park Districts.

(b) The condition of soil, drainage, and topography shall not create hazards.

(c) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage, or other adverse influences.

(2) Recreation and open space. Common areas for recreation and leisure time pursuits shall be provided in a centralized location.

(a) The amount of open space area shall be a minimum of five hundred (500) square feet per mobile home lot.

(b) Large parks may, at the discretion of the planning commission, decentralize open space areas in order to adequately service all residents.

(c) Buffer strips. The planning commission may require buffer strips along the boundary lines of the park.

(d) Any part of the park area that is not utilized for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and other similar landscaping materials.

(3) Density. (a) The mobile home park shall not contain more than ten (10) mobile home spaces per gross acre, provided, however, all other standards are met.

(b) Each mobile home space shall have a minimum depth of seventy-five (75) feet.

(c) Each mobile home space shall abut a driveway with unobstructed access to an open, approved, public street.

(d) Each mobile home shall be set back a minimum of twenty-five (25) feet from all property lines and street rights-of-way.

(e) There shall be a minimum distance of twenty (20) feet between mobile homes.

(f) There shall be a minimum distance of ten (10) feet between a mobile home and the abutting park drive.

(4) Streets, drives, walkways and parking. (a) All mobile home parks shall be provided with safe and convenient access from abutting public streets to each mobile home space.

(b) All drives, walkways, and parking areas shall have a minimum of a double bituminous surface with an adequate base.

(c) Pavement widths shall be twenty-four (24) feet for entrance drives and collector drives and twenty (20) feet for minor drives.

(d) Each mobile home park shall provided one and one half (½) parking spaces for each mobile home space.

(e) Parking spaces shall be located for convenient access to mobile home units.

(f) Where practicable, a minimum of one parking space shall be located on each mobile home lot with the remainder located in adjacent parking bays.

(5) Service buildings. (a) Service buildings shall be of permanent construction and meet all codes and ordinances.

(b) Service buildings shall be convenient to the mobile home spaces which they solely serve.

(c) The service buildings shall be maintained in a clean and sanitary condition.

(6) Utilities. (a) The mobile home park water distribution system shall be connected to the public water supply system.

(b) All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of type and location approved by the state health department.

(c) Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park.

(d) An adequate and safe sewerage system shall be required for conveying and disposing of all sewage. Wherever feasible, a connection shall be made to the public sewerage system.

(e) The sewerage system shall be designed and constructed in accordance to state and local laws and approved by the Tennessee Department of Public Health.

(f) Each mobile home space shall be provided with a four (4) inch diameter sewer riser pipe. All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent, and durable with a smooth inner surface. Provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the space.

(g) Where the sewer lines of the mobile home park are not connected with the public sewerage system, the county health department shall approve all proposed sewage facilities.

(h) Solid waste collection stands shall be provided for all waste containers.

(i) All electrical installations shall be designed and constructed in accordance with the electrical code of the City of Church Hill as approved by the Holston Electric Cooperative.

(j) All gas equipment and installations within the park shall meet the minimum requirements of the gas code of the City of Church Hill.

(7) Guarantee in lieu of completed improvements. (a) No mobile home park plan shall be approved by the planning commission until all required improvements are constructed in a satisfactory manner. However, in lieu of completed construction of all improvements, the planning commission may recommend that a cash bond in an amount equal to the estimated cost of installation of required improvements be submitted.

(b) If a bond is submitted, it must first be approved by the board of mayor and aldermen.

(c) The bond shall be due within six (6) months from submission.

(d) The board of mayor and aldermen may instruct the building inspector to issue a six (6) month temporary park operating permit when sufficient improvements are installed to allow safe and adequate facilities to mobile home park residents. (2003 Code, § 11-504)

14-505. Permits and park operation. (1) Permits. (a) All mobile home park operators shall be required to obtain an annual operating permit. The issuance of the operating permit shall be contingent upon inspection and approval of the park by the health officer or his authorized representative and the building inspector.

(b) It shall be unlawful for any person to maintain or operate a mobile home park within the corporate limits of Church Hill unless he owns a valid permit issued by the building inspector.

(c) Building, plumbing, electrical or other such construction permits shall not be issued for the installation of a mobile home park prior to the submission of the park plan and its tentative approval by the Church Hill Planning Commission.

(d) Following the approval of a mobile home park plan by the planning commission, the installation of improvements to the satisfaction of the planning commission and a bond guaranteeing the completion of all improvements within a period of six (6) months, the board of mayor and aldermen may direct the building inspector to issue a temporary six (6) month park operating permit. The temporary park permit shall not be extended beyond the six (6) month period.

(e) The annual operating permit fee shall be one dollar (\$1.00) for each mobile home space to a maximum of seventy-five (\$75.00) dollars.

(2) Park operation. (a) The park management shall maintain a register containing names, addresses, and automobile license numbers of all park residents. Such register shall be made available to any authorized person inspecting the mobile home park.

(b) The park management shall notify park residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under the chapter. (2003 Code, § 11-505)

14-506. Enforcement. (1) The regulations contained in this chapter shall be enforced by the building inspector of the city.

(2) Any person or organization who shall fail to comply with or violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) for each violation thereof. Each day a non-complying condition exists constitutes a separate and distinct violation to the above-noted penalty. (2003 Code, § 11-506)

CHAPTER 6

FLOODPLAIN REGULATIONS

SECTION

14-601. Statutory authorization, findings of fact, purpose and objectives.

14-602. Definitions.

14-603. General provisions.

14-604. Administration.

14-605. Provisions for flood hazard reduction.

14-606. Variance procedures.

14-607. Deleted.

14-601. Statutory authorization, findings of fact, purpose and objectives. (1) Statutory authorization. The legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Church Hill, Tennessee, Mayor and Board of Aldermen, do ordain as follows:

(2) Findings of fact. (a) The City of Church Hill, Tennessee, Mayor and its legislative body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, § 60.3.

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

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

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

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

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

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

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

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

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

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

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

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

(d) To minimize prolonged business interruptions;

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

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

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

(h) To maintain eligibility for participation in the NFIP. (2003 Code, § 11-601, as replaced by Ord. #13-459, April 2013)

14-602. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

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

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

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

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

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

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

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

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

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

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

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

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

(8) "Base Flood Elevation" (BFE). The elevation of surface water resulting from a flood that has a one percent (1%) chance of equalling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, ARIA, AR/AE, AR/A1-A30, AR/AHs AR/AO, V1-V30, and VE.

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

(10) "Building" see "structure."

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

(12) "Elevated building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls

adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(13) "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.

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

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

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

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

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

(19) "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).

(20) "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.

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

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

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

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

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

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

(27) "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.

(28) "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.

(29) "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.

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

(31) "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.

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

(33) "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.

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

(35) "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.

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

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

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

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

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

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

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

(ii) Directly by the Secretary of the Interior.

(38) "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.

(39) "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.

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

(41) "Manufactured home" means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

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

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

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

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

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

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

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

(49) "100-year flood" see "base flood."

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

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

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

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; 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 flood hazard area" is the land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed 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.

(56) "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.

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

structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(58) "State coordinating agency" The Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

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

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

(61) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement.

(a) This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be

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

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

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

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

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

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

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

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

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) or 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (2003 Code, § 11-602, as replaced by Ord. #13-459, April 2013)

14-603. General provisions. (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Church Hill, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Church Hill, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47073C0095D, 47073C0115D, 47073C0120D, 47073C0260D, 47073C0280D and 47073C0285D, dated July 3, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

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

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

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

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

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

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood

damages. This ordinance shall not create liability on the part of the City of Church Hill, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Church Hill, Tennessee from taking such other lawful actions to prevent or remedy any violation. (2003 Code, § 11-603, as replaced by Ord. #13-459, April 2013)

14-604. Administration. (1) Designation of ordinance administrator. The building official or designee is hereby appointed as the administrator to implement the provisions of this ordinance.

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

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

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

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-605(1) and (2).

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

(b) Construction stage. Within AE zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a

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

Within approximate A zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

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

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

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

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

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

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-604(2).

(g) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-604(2).

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

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

(j) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (2003 Code, § 11-604, as replaced by Ord. #13-459, April 2013)

14-605. Provisions for flood hazard reduction. (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, 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 requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

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

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

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

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

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

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

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

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

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

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-605(2);

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

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

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-605(1), are required:

(a) Residential structures. In AE zones where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to

elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Within approximate A zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-602). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

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

In approximate A zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-602). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "enclosures."

Non-residential buildings located in all A zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-604(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow

for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

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

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

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

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

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

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of § 14-605(2).

(d) Standards for manufactured homes and recreational vehicles.

(i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels,

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

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

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

(B) In approximate A zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-602).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-605(1) and (2).

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

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

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

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

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

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

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

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

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

(iv) In all approximate A zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-605(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard area established in § 14-603(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, shall not result in any increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data using the same methodologies as in the effective flood insurance study for the City of Church Hill, Tennessee and certification thereof.

(b) New construction or substantial improvements of buildings, where prohibited, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2).

(4) Standards for areas of special flood hazard zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-603, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction or substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2).

(5) Standards for streams without established base flood elevations or floodways (A zones). Located within the special flood hazard areas established in § 14-603(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A zones meet the requirements of § 14-605(1) and (2).

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

(c) Within approximate A zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-602). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-604(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-605(2).

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

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-605(1) and (2). Within approximate A zones, require that those subsections of § 14-605(2) dealing with the alteration or relocation of a watercourse, ass\lling watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH zones). Located within the special flood hazard areas established in § 14-603(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-605(1) and (2) apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest

adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated, to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-605(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be flood proofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-604(2).

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

(7) Standards for areas protected by flood protection system (A-99 zones). Located within the areas of special flood hazard established in § 14-603(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 zones) all provisions of §§ 14-604 and 14-605 shall apply.

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

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction or substantial improvements shall meet the standards established in accordance with

§§ 14-604 and 14-605. (2003 Code, § 11-605, as replaced by Ord. #13-459, April 2013)

14-606. Variance procedures. (1) Municipal board of zoning appeals.

(a) Authority. The City of Church Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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

(c) Appeals: how taken. An appeal to the municipal 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 administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal 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, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal 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 thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(d) Powers. The municipal 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 administrator or other administrative official in carrying out or enforcement of any provisions of this ordinance

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

(A) The City of Church Hill, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the municipal board of zoning appeals may attach such conditions to the granting

of variances as it deems necessary to effectuate the purposes of this ordinance.

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-606(1).

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

(c) Any 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 for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) coverage, and that such construction below the base flood level increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (2003 Code, § 11-606, as replaced by Ord. #13-459, April 2013)

14-607. [Deleted.] (2003 Code, § 11-607, as deleted by Ord. #13-459, April 2013)

CHAPTER 7

OFF-SITE DRAINAGE

SECTION

14-701. Purpose.

14-702. Off-site drainage plan required.

14-703. Review by city engineer and planning commission approval.

14-704. Construction of drainage facilities in accordance with approved off-site drainage plan.

14-705. Alternate method for payment of construction costs for off-site drainage facilities.

14-706. Engineers report to city.

14-701. Purpose. Whenever the construction of a subdivision, development or improvement may cause, contribute, or add to existing or proposed surface water runoff drainage (facilities other than those required to provide internal drainage within such construction) such sub-divider, developer or improver shall be required to follow the sections hereinafter appearing. (2003 Code, § 11-701)

14-702. Off-site drainage plan required. Each sub-divider, developer, or improver shall submit to the Church Hill Regional Planning Commission in triplicate an off-site drainage plan which shall be based upon the national method of run-off calculation and the ten-year storm frequency. (2003 Code, § 11-702)

14-703. Review by city engineer and planning commission approval. After receiving a recommendation from the city engineer, the planning commission shall approve or disapprove said plan. In the event of disapproval, the planning commission shall state its reasons therefore to the applicant. The planning commission shall include the following in any approval of off-site drainage plans:

(1) The off-site drainage plan must be approved by the planning commission prior to the approval of any final subdivision plan.

(2) The off-site drainage plan must route the storm water run off to an existing or natural water course in such a manner as to prevent damage to downstream property owners.

(3) A natural or existing water course is defined herein as one where the water has been accustomed to gather and/or flow a well-defined channel which frequent running has worked or cut into the soil.

(4) The applicant (landowner) shall have the responsibility of securing at no cost to the city such necessary perpetual drainage easements to effectuate the approved plan.

(5) The planning commission may require the applicant (landowner) to post a bond with good and sufficient surety to assure completion of the plan.

(6) The planning commission may impose such other reasonable conditions upon the approval of the plans as recommended by the city engineer. (2003 Code, § 11-703)

14-704. Construction of drainage facilities in accordance with approved off-site drainage plan. The applicant (landowner) shall construct the said off-site drainage facilities in accordance with the plans and specifications and pay for all of the other cost of off-site drainage facilities or so much thereof as the city engineer shall direct. (2003 Code, § 11-704)

14-705. Alternate method for payment of construction costs for off-site drainage facilities. As an alternative method of payment for the cost of off-site drainage facilities, the sub-divider, developer, or improver may:

(1) Contribute his pro-rata share of local funds expended for construction of off-site drainage facilities or contribute his pro-rata share of local funds estimated to pay for the construction of off-site drainage facilities that controls storm water flow in a designated area or the acquisition of property needed for the addition of such facilities. Local funds do not include funds received by the city from federal or state government grants.

(2) The pro-rata share to be contributed by the subdividers, developers and improver shall be calculated as follows:

(3) Drainage areas shall be designated by the planning commission in accordance with sound engineering principles, upon recommendation by the city engineer.

(4) Off-site drainage facilities needed to properly control present and anticipated storm water flow in such areas designed by the city engineer in accordance with sound engineering principles taking into consideration (among other things) the zoning and zoning patterns of the subject drainage area, the duration and frequency of rainfall in such area during a storm return period of ten (10) years using U.S. Department of Commerce curves and statistics and suitable run-off coefficients as determined by the city engineer for the different types of zoning in such areas.

(5) The total cost of such off-site facilities (including land or easement acquisition and any other incidental costs) shall be estimated by the city engineer based upon current prices plus a percentage of such cost rise over the ensuing five (5) years. Such cost rise estimate will be determined by the use of U.S. Department of Labor consumer price indices to project price increase trends.

(6) The design and estimated cost of such off-site drainage facilities shall be re-evaluated every five (5) years prior to construction. Any changes in cost estimates shall be reflected by either an increase or decrease in those

pro-rata shares remaining to be paid. A rebate shall be made to those having already contributed their share if a decrease in pro rata share is calculated.

(7) A construction fund for each drainage area shall be established by the city to which pro-rata shares shall be contributed by the developer prior to final approval. Shares paid after construction for an off-site drainage facility shall be based upon actual cost and shall be paid to the city. A rebate shall be made to those developers having contributed prior to construction if the actual cost of construction is less than the previous estimate.

(8) The pro-rata share of each developer or entity shall be calculated by estimating that portion of the total storm water run off using said off-site facilities which can be attributed to the subject developer taking into consideration the size and type of the proposed development, the amount of rainfall anticipated in said development and the appropriate run-off coefficients applicable thereto. The cost of enlarged or additional off-site drainage facilities, the need for which is created by actions taken by the sub-dividers, developers, or improver after cost estimates have been made by the city's engineer, shall be borne by such developer.

(9) The pro-rata share for construction occurring in an area served by off-street drainage shall be calculated by estimating that portion of the total storm water run-off using said off-site facilities which can be attributed to the new construction taking into consideration the size and type of the proposed construction, the amount of rainfall anticipated in said development, the appropriate run-off coefficient thereto and the construction of such off-site drainage facility.

(10) In determining the pro-rata share of costs between the developer and the city, the city will be responsible for upgrading any existing storm facilities which are owned and maintained by the City of Church Hill at the time of the formulation of the off-site drainage plan. It shall be presumed that such existing facilities will adequately carry storm water run-off from the area assuming no new development. It shall be the responsibility of the developer to pay the cost of improving existing storm water handling facilities to the point that such facilities are adequate to handle any and all additional flow which may occur as a result of the development plus any storm water flow occurring on the watershed which is directed into the existing storm water facilities as a result of the new development. (2003 Code, § 11-705)

14-706. Engineers report to city. Once the off-site drainage plans have been approved by the planning commission, the city engineer will provide the city an estimated cost of the improvements with a break-down of the pro-rata share(s) as described above. The city shall determine whether or not the proposed pro-rata costs are in order, and, if such costs are approved, will present these costs to the developer. The city will provide whenever possible, labor and equipment for installation of storm drainage facilities as their pro-rata share of

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the cost. Hourly rates shall be based upon typical costs in the area and will be updated periodically. (2003 Code, § 11-706)

CHAPTER 8

ILLICIT DISCHARGE AND CONNECTION CONTROL

SECTION

- 14-801. Short title.
- 14-802. Purpose.
- 14-803. Definitions.
- 14-804. Applicability.
- 14-805. Responsibility for administration.
- 14-806. Discharge prohibitions.
- 14-807. Illicit connections prohibited.
- 14-808. Suspension of MS4 access.
- 14-809. Industrial or construction activity discharges.
- 14-810. Monitoring of discharges.
- 14-811. Requirement to prevent, control and reduce stormwater pollutants by the use of BMPs.
- 14-812. Watercourse protection.
- 14-813. Notification of spills.
- 14-814. Enforcement.
- 14-815. Appeal of notice of violation.
- 14-816. Enforcement measures after appeal.
- 14-817. Cost of abatement of the violation.
- 14-818. Injunctive relief.
- 14-819. Compensatory action.
- 14-820. Violations deemed a public nuisance.
- 14-821. Remedies not exclusive.
- 14-822. Ultimate responsibility.

14-801. Short title. This chapter shall be known as the "Illicit Discharge and Connection Control Ordinance of the City of Church Hill, Tennessee." (2003 Code, § 11-801)

14-802. Purpose. The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the City of Church Hill through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practical as required by federal and state law. This chapter serves as a companion document to the Stormwater Management, Erosion and Sedimentation Control Ordinance¹, and establishes methods for

¹Municipal code reference

Stormwater management, erosion and sedimentation control: title 14
(continued...)

controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- (1) To regulate the contribution of pollutants to the MS4 due to the stormwater discharges of any user;
- (2) To prohibit illicit connections and discharges to the MS4; and
- (3) To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this chapter. (2003 Code, § 11-802)

14-803. Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) "Authorized enforcement agency." The city building inspector and any other authorized employee of the department of public works.

(2) "Best Management Practices (BMPs)." A schedule of activities, prohibitions of practices, generally good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(3) "City inspector." Any person or persons appointed by the City of Church Hill to ensure compliance with the provisions of this chapter.

(4) "Clean Water Act (CWA)." The federal Water Pollution Control Act (33 CFR § 1251 et seq.), and any subsequent amendments thereto.

(5) "Construction activity." Any activity subject to NPDES construction stormwater general permits. These include construction projects resulting in land disturbance of one acre or more, and certain other instances as defined in the Stormwater Management, Erosion and Sedimentation Control Ordinance.¹ Such activities include but are not limited to clearing, grubbing, grading, excavating and demolition.

(6) "Hazardous materials." Any material, including any substance, waste or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly

¹(...continued)
chapter 3.

¹Municipal code reference
Title 14, chapter 3.

contribute to a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(7) "Illegal discharge." Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in § 14-806 of this chapter.

(8) "Illicit connections." An illicit connection is defined as either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any non-stormwater discharge including sewage, process wastewater and wash (gray) waters to enter the storm drain system. Also prohibited are any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had previously been allowed by any agency or entity.

(b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

(9) "Industrial activity." Any activity subject to NPDES Industrial Permits as defined in 40 CFR § 122.26(b)(14).

(10) "NPDES stormwater discharge permit." This means a permit issued by the USEPA or the Tennessee Department of Environment and Conservation (TDEC) Division of Water Pollution Control pursuant to 33 United States Code (USC) § 1342(b) that authorizes the discharge of pollutants to waters of the United States (or "waters of the state") whether the permit is applicable to an individual, group or general area-wide basis.

(11) "Non-stormwater discharge." Any discharge to the storm drain system that is not composed entirely of stormwater.

(12) "Person." Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(13) "Pollutant." Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents, rubbish, garbage, litter or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatable, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(14) "Premises." Any building, lot, parcel of land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(15) "Storm drainage system." Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, irdets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures. Drainage from privately owned and maintained stormwater detention facilities must also meet the criteria specified herein for discharge to the city's storm drainage system.

(16) "Stormwater pollution prevention plan." Also known as a "drainage plan," this is a formal written document that describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions necessary to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practical.

(17) "Wastewater." Any water or other liquid, other than uncontaminated stormwater, discharged from a facility. (2003 Code, § 11-803)

14-804. Applicability. This chapter shall apply to all waters entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency. (2003 Code, § 11-804)

14-805. Responsibility for administration. The City of Church Hill shall administer, implement and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor at the discretion of the BMA to persons or entities acting in the beneficial interests of or in the employ of the city, and identified in this chapter as the "city inspector." (2003 code, § 11-805)

14-806. Discharge prohibitions. No person shall discharge or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as follows:

(1) The following discharges are exempt from the prohibitions established in this chapter: water line flushing or other potable water source discharges; landscape irrigation or lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to storm drains; uncontaminated pumped groundwater; foundation or footing drains (not including active groundwater dewatering systems); crawl space pumps; air conditioning condensations;

springs; noncommercial washing of vehicles; natural riparian habitat or wetland flows; swimming pools (if chlorinated to typically less than one mg/L); fire fighting activities and any other water source not containing pollutants.

(2) Discharges permitted in writing from the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(4) These prohibitions shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the USEPA or TDEC, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system. (2003 Code, § 11-806)

14-807. Illicit connections prohibited. The construction, use, maintenance or continued use of illicit connections to the MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. In addition, a person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to the storm drain system. (2003 Code, § 11-807)

14-808. Suspension of MS4 access. (1) Suspension due to illicit discharges in emergency situations. The City of Church Hill may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, health or welfare of persons or to the MS4 or waters of the state. If the violator falls to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

(2) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency shall notify a violator of the proposed termination of its MS4 access. The violator may petition the board of mayor and aldermen for a reconsideration and healing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the authorized enforcement agency. (2003 Code, § 11-808)

14-809. Industrial or construction activity discharges. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of said permit and/or title 14, chapter 3 of the Church Hill City Code. Proof of said permit may be required by the City of Church Hill prior to allowing a discharge to the MS4. (2003 Code, § 11-809)

14-810. Monitoring of discharges. This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity, which is more thoroughly covered in title 14, chapter 3.

(1) The City of Church Hill shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance. If a discharger has security measures in force that require proper identification and clearance before entry in/onto its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the City of Church Hill ready access to all parts of the premises for the purpose of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater and the performance of any additional duties as defined by state and federal law.

(3) The City of Church Hill shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The City of Church Hill shall have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater quantity and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Church Hill and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the City of Church Hill access to a permitted facility is a violation of this chapter. A person who is the operator of a stormwater facility with an NPDES permit to discharge stormwater associated with an industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

(7) If the City of Church Hill has been refused access to any part of the premises from which stormwater is discharged, and there is evidence to indicate probable cause of a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed

to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction. (2003 Code, § 11-810)

14-811. Requirement to prevent, control and reduce stormwater pollutants by the use of BMPs. The City of Church Hill will identify BMPs for any activity, operation or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the state. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise which is, or may be, the source of an illicit discharge, may be required to implement, at said persons expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practical, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan as necessary for compliance with requirements of the NPDES permit. (2003 Code, § 11-811)

14-812. Watercourse protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse. Any significant alteration of a watercourse must be permitted by the TDEC Division of Water Pollution Control. (2003 Code, § 11-812)

14-813. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed

to the City of Church Hill within three (3) business days of the notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (2003 Code, § 11-813)

14-814. Enforcement. Notice of violation. Whenever the City of Church Hill finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement agency may order compliance by written notice of a violation to the responsible person. Such notice may require any or all of the following without limitation:

- (1) The performance of monitoring, analysis and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices or operations shall cease and desist;
- (4) The abatement and remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator. (2003 Code, § 11-814)

14-815. Appeal of notice of violation. Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency directly to the board of mayor and aldermen. The notice of appeal must be received within fifteen (15) days from the notice of violation. Hearing on the appeal shall take place at the next regularly scheduled meeting of the "board," or a special called meeting. The decision of the "board" or its designee shall be final. (2003 Code, § 11-814)

14-816. Enforcement measures after appeal. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty (30) days of the decision of the "board" upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner or agent in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. (2003 Code, § 11-816)

14-817. Cost of abatement of the violation. Within fifteen (15) days after the abatement of the violation, the owner of the property will be notified of the cost of abatement of the violation, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. (2003 Code, § 11-817)

14-818. Injunctive relief. It shall be unlawful for any person to violate any provision of or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized representative agency may petition for a preliminary or permanent injunction restraining the person from activities that would create further violations. (2003 Code, § 11-818)

14-819. Compensatory action. In lieu of enforcement proceedings, penalties and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanups, etc. (2003 Code, § 11-819)

14-820. Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken. (2003 Code, § 11-820)

14-821. Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (2003 Code, § 11-821)

14-822. Ultimate responsibility. The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (2003 Code, § 11-822)