

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

1. FLOOD DAMAGE PREVENTION ORDINANCE.
2. SIGN ORDINANCE.

CHAPTER 1

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION

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14-101. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Accessory structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

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

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

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

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

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

(6) "Area of special flood-related erosion hazard" is the land within a community which is most likely to be subject to 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.

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

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

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

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

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

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

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

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

(b) And adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(14) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with

section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

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

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

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

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

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

(a) The overflow of inland or tidal waters;

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

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

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

(24) "Flood hazard boundary map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

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

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

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

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

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

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

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

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

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

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

(35) "Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood

flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projections;

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

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

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

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

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

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

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

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

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

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

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

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

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

(62) "Variance" is a grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (as added by Ord. #100300, Oct. 2000, and replaced by Ord. #010302, Jan. 2002)

14-102. General provisions. (1) Application. This chapter shall apply to all areas within the incorporated area of Tellico Plains, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Tellico Plains, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Number 470280A-Panel Numbers 01, and 02; Effective date: March 8, 1974 and any subsequent amendments or revisions, Flood Insurance Rate Map, Community Number 470233 - Panel Number 0175; Effective Date: September 4, 1991 and any subsequent amendments or revisions are adopted by reference and declared to be a part of this chapter.

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

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

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

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

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

under state statutes.

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

(8) Penalties for violation. Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Tellico Plains, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #100300, Oct. 2000, and replaced by Ord. #010302, Jan. 2002)

14-103. Administration. (1) Designation of building official. The building official is hereby appointed to administer and implement the provisions of this chapter.

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

- (a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*

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

(iii) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in § 14-103(2)(b), where base flood elevation data is available.*

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

*(see (b) below)

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

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

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

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

(b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the

Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

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

(d) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with § 14-103(2)(b).

(e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with § 14-103(2)(b).

(f) When flood-proofing is utilized, the building official shall obtain certification from a registered professional engineer or architect, in accordance with § 14-103(2)(b).

(g) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 14-105.

(h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community FHBM or FIRM meet the requirements of this chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in § 14-101 of this chapter). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of floodproofing shall be recorded as set forth in § 14-103(2).

(i) All records pertaining to the provisions of this chapter shall be maintained in the office of the building official and shall be open for public inspection. Permits issued under the provisions of this chapter

shall be maintained in a separate file or marked for expedited retrieval within combined files.

(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained. (as added by Ord. #100300, Oct. 2000, and replaced by Ord. #010302, Jan. 2002)

14-104. Provisions for flood hazard reduction. (1) General standards. In all flood prone areas the following provisions are required:

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

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

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

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

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

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

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

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

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

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

(2) Standards for unmapped streams. Located within Tellico Plains, Tennessee are unmapped streams where areas of special flood hazard are

neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

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

(b) When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with § 14-103(2)(b).

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

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

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

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

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres. (as added by Ord. #100300, Oct. 2000, and replaced by Ord. #010302, Jan. 2002)

14-105. Variance procedures. (1) Board of floodplain review.

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

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

Compensation of the members of the board of floodplain review shall be set by the board of mayor and aldermen.

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

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

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

(ii) Variance procedures. (A) The Tellico Plains Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) Variances shall only be issued upon

(1) A showing of good and sufficient cause,

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

(3) 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, and that such construction below the base flood level increases risks to life and property.

(D) The building official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (as added by Ord. #100300, Oct. 2000, and replaced by Ord. #010302, Jan. 2002)

CHAPTER 2

SIGN ORDINANCE

SECTION

- 14-201. Authority, title, purpose and jurisdiction.
- 14-202. Definitions and terms.
- 14-203. General provisions.
- 14-204. Administration and enforcement.

14-201. Authority, title, purpose and jurisdiction. (1) Authority. In accordance with Article I § 2 of the Charter of the Town of Tellico Plains, Tennessee, the following chapter is hereby adopted:

(2) Title. This chapter shall be known as the "Sign Ordinance for Tellico Plains, Tennessee."

(3) Purpose. The purpose of this chapter is to establish reasonable and impartial regulations for the location of signs within the corporate limits of Tellico Plains, Tennessee. These regulations have been established in order to preserve the character of the town, while attracting sources of economic development and growth through flexible and diversified standards. These standards are intended to provide for adequate light, air, and open spaces, and a reduction in congestion and hazardous conditions within the town. Therefore, all new signs shall conform to the provisions of this chapter.

(4) Jurisdiction. This chapter shall apply to all areas within the corporate limits of the Town of Tellico Plains, Tennessee. (as added by Ord. #102501, Jan. 2002)

14-202. Definitions and terms. (1) Definitions. (a) Interpretation of defined terms. Terms found in this chapter for which definitions are set out in this article shall be interpreted as always having such meaning, unless the context within such term is used indicates otherwise.

(b) Interpretation of undefined terms. Terms found in this chapter for which no definition is included in this article shall be interpreted, if technical in nature, by reference to generally accepted planning, engineering, or other professional terminology; and if non-technical in nature, shall be interpreted according to common usage, unless the context within such term is used clearly indicates otherwise. Certain undefined terms, however, shall be interpreted as follows, unless the context clearly indicates otherwise:

(i) "Day." Unless otherwise specified, the term "day" shall mean calendar day.

(ii) "Land use." The term "land use" and "use of the land" shall be deemed also to include building use and use of building.

(iii) "Measurement of distances." Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

(iv) "Shall, may, and includes." The word "shall" is mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples but is intended to extend its meaning to all other instances or circumstances of like character.

(v) "State; county." The word "state" means the State of Tennessee and its authorized agents. The word "county" means the county of Monroe, Tennessee, and its authorized agents.

(vi) "Tense; number." Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter; words in the singular numbers can include the plural; and words in the plural can include the singular, unless the obvious construction of the word indicates otherwise.

(vii) "Town." The word "town" means the Town of Tellico Plains, Tennessee and its authorized agents.

(viii) "Used; erected." The word "used" shall be deemed to also include designed; intended, or arranged to be used; the term "erected" shall be deemed also to include constructed, reconstructed, altered, placed, relocated or removed.

(2) Terms. (a) Access. The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

(b) Advertising. Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device, including but not limited to pennants on a cord, streamers, large inflated balloons designed, used, or intended for advertising, or to draw attention to the site on which such items are located, whether placed on the ground, rocks, trees, or other natural features or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man made structures.

(c) Billboard. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

(d) Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.

(e) Commercial development. A development in which the principal activities are carried out for economic gain.

(f) Home occupation. A use of a dwelling unit for an occupation conducted by a resident thereof and which is clearly incidental to the use of the structure for residential purposes.

(g) Industrial park. A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(h) Industrial use. A use engaged in the processing and manufacturing of materials or products.

(i) Mall. A shopping center where stores front on both sides of a pedestrian way which may be enclosed or open.

(j) Mobile home park. A development of property in which ownership of the resulting lots are maintained by one owner (or company) and developed exclusive as mobile home rental sites.

(k) Multi-family dwelling. A residential building containing three (3) or more separate rental or owner occupied dwelling units located on a single lot.

(l) Premises. Any unit of land including any buildings or structures thereon.

(m) Roof line. The juncture of the roof and the perimeter wall of a structure.

(n) Shopping center. For the purposes of this chapter, a shopping center shall be considered as an enterprise which is internally separated or serrated into individual shops or separate, distinct business functions. Individual ownership is not a factor.

(o) Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

(i) Sign, awning, canopy, or marquee. A sign is mounted or painted on, or attached to, an awning, canopy, or marquee.

(ii) Sign, banner. Any sign intended to be hung either with or without frames, possessing characters, letters, illustration, or ornamentation applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners for the purpose of this chapter.

(iii) Sign, construction. A temporary sign erected on the premises on which construction is taking place, during the period of such construction. Generally included on the sign are the names of the architects, engineers, landscape architects, contractors, owners, financial supporters, and similar individuals or firms having a role or interest with respect to the structure or product.

(iv) Sign, directory. A sign on which the names and locations of businesses, occupants, or the use of a building are given.

(v) Sign, ground. Any sign supported by uprights or braces, which is placed on or at ground level and not attached to any building.

(vi) Sign, nonconforming. Any sign that does not conform to the provisions of this chapter.

(vii) Sign, off-premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

(viii) Sign, on-premises. A sign that draws attention to or communicates information about a business, service, commodity, accommodation, or other activity that is conducted, sold, or offered on the premises on which such sign is located.

(ix) Sign, pole. A sign that is mounted on a free standing pole or other support so that the bottom edge of the sign face is nine (9) or more feet above grade.

(x) Sign, projecting. Any sign attached to a building or other structure, which projects in such a manner that both sides thereof are visible.

(xi) Sign, roof. A sign which is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the roof line of a building.

(xii) Sign, temporary. A sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

(xiii) Sign, vehicle. Any sign mounted on a vehicle and used for advertising or promotional purposes.

(xiv) Sign, wall. Any sign which is placed against a building or other structure and attached thereto in such a manner that only one side is visible.

(xv) Sign, window. Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

(p) Sign area. The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

(q) Subdivision. The division of a tract or parcel or land into two (2) or more lots, sites, or other divisions requiring new street or utility construction. (as added by Ord. #102501, Jan. 2002)

14-203. General provisions. (1) General provisions. The following provisions shall apply to all signs within the corporate limits of the Town of Tellico Plains, Tennessee:

(a) Plans required. The building official shall be provided with plans and specifications identifying the location, type, and design of any sign requiring a permit under the provisions of this chapter.

(b) Height. No part of any sign shall exceed fifteen (15) feet in height. The height of the sign shall be determined by measuring from ground level at the base of the sign to the maximum height of the structures. The announcement portion of all permanent poll signs shall be located at least nine (9) feet above the ground. Signs placed above a walkway shall have a minimum clearance of nine (9) feet. Signs located above a driveway shall not be permitted.

(c) Setback. No part of any sign shall be placed closer than five (5) feet to any public right of way or access, except that the planning commission may require a greater distance if it is determined that a 200' site distance can not be met as a result of the location of the sign; signs of no more than three (3) square feet may be located at the right of way to designate entrances and exits provided that such signs will be less than three (3) feet higher than the driveway to prevent any obstruction of clear visibility to vehicles exiting the premises.

(d) Number of signs. No business shall have more than two (2) signs requiring a permit, but not two (2) signs of the same type; except on lots which extend between parallel streets, businesses may have three (3) signs, two (2) of which may be of the same type provided they do not front on the same parallel street. Entrance and exit signs shall not be included in the total number of signs allowed.

(e) Continuance of nonconforming signs. A lawful nonconforming sign existing at the time of the passage of this chapter, or any amendment thereto, shall be allowed to remain subject to the following provisions:

(i) When a non-conforming sign is discontinued or abandoned for a period of six (6) consecutive months, the sign shall be deemed to have been abandoned, and at such time shall be removed.

(ii) Any non-conforming sign which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed as before, if it is done within six (6) months of such damage, unless damaged to an extent of more than sixty (60) percent of its value immediately prior to damage, in which case any repair or

reconstruction shall be in conformity with the provisions of this chapter.

(2) Signs not requiring a permit. The following types of signs are permitted, subject to the conditions set forth below and other applicable provisions of this chapter. Such signs do not require a permit.

(a) Political campaign signs. One (1) sign per candidate per premise, each sign no to exceed four (4) square feet in residential districts or sixteen (16) square feet in all other districts, may be erected on private property no more than thirty (30) days prior to the election. All campaign signs shall be removed by the property owner within seven days after the results of an election are certified. Political campaign signs are not permitted on public property, including utility poles.

(b) Temporary special event signs. Signs not exceeding seventy-five (75) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected no more than thirty (30) days prior to the event. All special event signs shall be removed within seven (7) days of the conclusion of an event.

(c) Parking areas/directional signs. Signs internal to parking areas, which direct vehicular or pedestrian traffic but bear no advertising, shall be no larger than three square feet each.

(d) Construction site signs. One sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be allowed only until the project is complete and shall be removed prior to the building being occupied.

(e) Real estate sale/lease signs. Signs up to a total area of nine (9) square feet advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within fourteen (14) days of the sale, rental, or lease of said premises.

(f) Temporary portable signs. Portable signs may be used to announce the grand opening of a new business, the closing of an existing business, or special promotional events, but in no case shall such signs remain more than thirty (30) days. These signs shall be limited to thirty-two (32) square feet in size.

(g) Residential name/address signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to four (4) square feet in area is permitted.

(3) Signs requiring a permit. (a) Signs for subdivisions, multi-family developments, and mobile home parks shall consist of one (1) permanent identification/entrance sign, not to exceed twenty (20) square feet in area nor twelve (12) feet in height is permitted.

(b) Signs for shopping centers, malls and commercial developments shall not exceed one hundred and fifty (150) square feet in area and each business within such developments shall be limited to one (1) wall sign containing no more than one (1) square foot of area per linear foot of wall which faces a public street and or customer parking area. Separate businesses on out parcels with public road frontage developed or marked along with a shopping center, mall, or commercial development may have one (1) ground sign and one (1) wall sign not exceeding the size established for ground and wall signs set out in § 14-203(4)(d). Entrance and exit signs shall not be included when determining total square footage of sign area.

(c) Industrial uses. (i) The maximum identification sign area permitted for separate establishments on individual lots shall be one hundred and fifty (150) square feet per separate industrial use; except that no ground sign or wall sign shall be greater than one hundred (100) square feet in area.

(ii) Industrial park entrance signs shall be limited to one (1) major directory sign not to exceed one hundred and seventy five (175) square feet.

(d) The maximum sign area permitted per business, shall be as follows except that total sign area shall not exceed one hundred and fifty (150) square feet.

(4) Maximum sign area permitted.

Type of Street	Posted Speed Limit	Wall Sign Size	Ground Sign Size	Projecting Sign Size
2-Lanes	20 mph	50 square feet	15 square feet	15 square feet
	25-30 mph	50 square feet	20 square feet	20 square feet
	35 mph	50 square feet	25 square feet	25 square feet
	40 mph	50 square feet	50 square feet	Not Permitted
	45-55 mph	100 square feet	100 square feet	Not Permitted
4-Lanes	20 mph	50 square feet	15 square feet	15 square feet
	25-30 mph	50 square feet	30 square feet	25 square feet
	35 mph	50 square feet	65 square feet	40 square feet
	40 mph	100 square feet	90 square feet	Not Permitted
	45-55 mph	100 square feet	100 square feet	Not Permitted
4-Lanes with Median or Turning Lane	30 mph	50 square feet	65 square feet	25 square feet
	35 mph	50 square feet	80 square feet	40 square feet
	40-65 mph	100 square feet	100 square feet	Not Permitted

(5) Prohibited signs and advertising devices. (a) Billboards.

(b) Signs which include action, motion, moving materials, or which have any moving parts; or contain flashing or rotating lights or bulbs; or are intermittently lighted; or interface with the view of traffic or could be confused with any authorized traffic control sign, signal or device, with the exception of signs that display time and temperature and public service announcements without advertising matter.

(c) Signs which advertise an activity, business, product or service not conducted on the premises upon which the sign is actually located; except for small directional signs no greater than four (4) square feet in area, limited to two (2) per business or institution.

(d) Roof signs.

(e) Signs that are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure.

(f) Signs on public property including utility poles. Except those erected by an authorized public entity.

(g) All signs which are not expressly permitted by this chapter or any other ordinance of the town. (as added by Ord. #102501, Jan. 2002)

14-204. Administration and enforcement. (1) Sign permit required. It shall be unlawful to commence the excavation for or the construction of any sign requiring a permit, as established in § 14-203 until the building official has issued for such work a sign permit, including a statement that the plans, specifications, and intended use of such sign in all respects conforms with the provisions of this chapter. Application for a sign permit shall be made to the building official.

(2) Enforcing officer. The provisions of this chapter shall be administered and enforced by the building official. The building official shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.

(3) Application for issuance of sign permits. For all newly constructed signs requiring a permit, a sign plan prepared in accordance with the provisions of § 14-203 shall be submitted with an application for a sign permit. If the request for issuance of a sign permit is refused, the building official shall state the reason for the refusal in writing.

(4) Expiration/extension of sign permit approvals. Sign permits shall be null and void after one (1) year months from the date of issuance, if, in the opinion of the building official substantial progress is not being made toward completion of the sign as it was approved. Upon the showing of good cause by the permit holder, the building official may grant an extension of one (1) and

only one (1) three (3) month period, so long as the permit holder applies for such as extension at least three (3) weeks prior to the expiration date of the permit.

(5) Final site inspection. In order to ensure that a sign has been constructed in accordance with the approved sign plan, the building official shall make a final inspection upon notification by the owner that construction on the sign has been completed. Within three working days of such application, the building official shall make a final inspection of the property in question, and shall issue a certification of occupancy if the sign is found to conform to the provisions of this chapter and the statements made in the application for the sign permit. If such certificate is refused, the building official shall state the reason(s) for such refusal in writing.

(6) Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provisions of this chapter, permits any such violation, or fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, or other final authorization or approval hereunder, or who erects, constructs or reconstructs any sign in violation of any written statement or plan submitted and approved pursuant to this chapter shall be guilty of a misdemeanor.

(7) Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to such penalties as may be provided for by law. Each day of such violation shall constitute a separate offense.

(8) Appeals. (a) The applicability of this chapter or the validity of applicability of a regulation promulgated pursuant to this chapter may be determined in a hearing before the Tellico Plains Board of Mayor and Alderman. The board shall grant a hearing to aggrieved persons upon request. The complainant shall file a written petition. The planning commission shall hold a hearing on the appeal within sixty (60) days of receipt of petition. The complainant and all other interested parties shall be given notice of the time and place of the hearing.

(b) After an appeal to the legislative body, the complainant may seek judicial review. (as added by Ord. #102501, Jan. 2002)