

ZONING

ORDINANCE

CHAPEL HILL,

TENNESSEE

**ZONING ORDINANCE
CHAPEL HILL, TENNESSEE**

ADOPTED: APRIL 11, 2005

LAST AMENDED: MAY 12, 2008

PLANNING COMMISSION MEMBERS

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AMENDMENTS

<u>DATE</u>	<u>ORDINANCE NO.</u>	<u>AMENDMENTS</u>
October 10, 2005	05-15	<p>Article IV, Supplementary Provisions Applying to Specific Districts, Section 4.015, Requirements for Design of Parking Lots, Item 6, be amended.</p> <p>Article VII, Administration and Enforcement, Section 7.030, Building Permits, amended by altering an error in enumeration for the following headings: E, Fee, F, Issuance of Permit, G, Construction Progress, to D, Fee, E, Issuance of Permit, F, Construction Progress.</p> <p>Article VII, Administration and Enforcement, Section 7.070, Variances, Item B, Hearings, amended by deleting sentence three as follows: A fee of ten dollars (\$10.00) shall be charged to cover review and processing of each application for a variance, except that the fee shall be waived for a governmental agency. And Adding the following: A fee for a variance shall be included on the Chapel Hill Schedule of Fees, and will be required to cover the review and processing of each application, except that the fee shall be waived for a government agency.</p>
September 10, 2007	07-09	<p>Article II, Section 2.020, Definitions, Amended by Deleting Definitions, Flood; Flood, 100-Year; Floodplain; Floodproofing; Floodway; and Floodway Fringe Areas.</p> <p>Article IV, Deleted Section 4.110, Flood Damage Prevention Requirements</p> <p>Article V, Deleted Subsection 5.054, Floodway District</p> <p>Article VI, Deleted Section 6.030, Special Provisions Governing Nonconforming Buildings Within the Floodway District.</p> <p>Added New Article VII, Municipal Floodplain Zoning Ordinance, Old Article VII, Administration and Enforcement, Renumbered to Article VIII</p>
November 13, 2007	07-10	<p>Article III, Section 3.050, Corner Lots, Amended by deleting and replacing.</p> <p>Article III, Section 3.120, Site Plans, Amended by Adding new Subsection F, Site Plan Requirements.</p>

Article V, Subsection 5.052.1, (d), Dimensional Requirements, (i), Minimum Lot Size, is amended to correct a typographical error by deleting the word “maximum” and replacing with “minimum”.

Article V, Subsection 5.051.4, MUP, Mobile Home Park District, (b), Development Standards,, (vii), Streets, Amended by adding d) Dust Control; Subsection 5.052.2, B-2, Intermediate Business District, (d), Dimensional Requirements, amended by adding, (vi) Dust Control; 5.052.3, B-3, Central Business District, (d), Dimensional Requirements, amended to include, (vi), Dust Control; Subsection 5.052.3, B-3, Central Business District, (d), Dimensional Requirements, iii, Maximum Lot Coverage, amended by deleting and replacing text; Subsection 5.053.1, M-1, Light Industrial District, (d), Dimensional Regulations, amended by adding (vi) Dust Control; 5.053.2, M-2, Special Industrial District, (d), Dimensional Regulations, amended by adding, f), Dust Control.

December 10, 2007

07-13

Article II, Section 2.020, Definitions, Amended by Deleting, Highest Adjacent Grade; Replacing with a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain.

May 12, 2008

08-03

Article V, Section 5.010, Special Districts, Zero Lot Line Development Overlays, District Abbreviation is ZLDO.

Article V, Added Subsection 5.051.5, Zero Lot Line Developments.

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ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
- 1.030 Enactment
- 1.040 Purpose

1.010 AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210, Tennessee Code, to provide for the establishment of districts within the corporate limits of the Town of Chapel Hill, Tennessee, to regulate within such districts the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts, and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, public activities, and other purposes including areas subject to flooding; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

1.020 TITLE

This ordinance shall be known as the Zoning Ordinance of Chapel Hill, Tennessee, dated May 7, 1990. The zoning map shall be referred to as the official Zoning Map of Chapel Hill, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

1.030 ENACTMENT

WHEREAS, Section 13-7-201 through 13-7-210, of the Tennessee Code, empowers the city to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the City to enact such an ordinance, and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210, of the Tennessee Code, with regard to the preparation of the zoning plan of the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION THAT THE ZONING ORDINANCE OF CHAPEL HILL, TENNESSEE, BE ENACTED INTO LAW.

1.040 PURPOSE

The purpose of this ordinance is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare by:

- A. enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. preventing overcrowding of land;
- C. conserving the value of land and buildings;
- D. minimizing traffic hazards and congestion;
- E. preventing undue concentration of population;
- F. providing for adequate light, air, privacy, and sanitation;
- G. reducing hazards from fire, flood, and other dangers;
- H. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- I. encouraging the most appropriate uses of land;
- J. enhancing the natural, man-made, and historical amenities of Chapel Hill, Tennessee.

ARTICLE II
DEFINITIONS

SECTION

- 2.010 Scope
- 2.020 Definitions

2.010 SCOPE

For the purpose of this ordinance and in order carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- F. The word "lot" includes the words "plot" or "parcel".
- G. *A Glossary of Zoning, Development, and Planning Terms* is hereby adopted and incorporated by reference as part of this article, and is hereinafter referred to as the planning dictionary.
- H. *The Merriam Webster Collegiate Dictionary*, Eleventh Edition, and subsequent editions, is hereby adopted and incorporated by reference as part of this article, and is hereinafter referred to as the reference dictionary.
- I. The planning dictionary and the reference dictionary shall be utilized as additional points of orientation to clarify the words, terms, and phrases used within the *Zoning Ordinance of Chapel Hill, Tennessee*. In discerning the correct definition or interpretation of a word, term, or phrase, the Building Inspector shall make the determination as to the appropriate definition of the word, term, or phrase in question.

2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have their standard dictionary definitions or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADDITION (TO EXISTING BUILDING): 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 roof expansion which is connected by a fire wall or is separated by independent perimeter load bearing walls is new construction.

ADULT ORIENTED BUSINESS - Any business as defined by Sections 7-51-1101 through 7-51-1121 and 7-51-1401 through 7-51-1406, of the *Tennessee Code*, including any amendments.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

AUTOMOTIVE REPAIR SHOP: The use of a site for the repair of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation facilities, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage. These uses are to be considered separate from automotive wrecking, junk, and salvage yards. An automotive wrecking, junk, or salvage yard may contain an automotive repair shop, but an automotive shop cannot contain an automotive wrecking, junk, or salvage yard, as the automotive wrecking, junk, and salvage yard is considered to be a more intensive land-use.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot or place which is exposed to weather and upon which more than two (2) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, or which are discarded or junked are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BED AND BREAKFAST HOME RESIDENCE: A residence within which not more than three (3) sleeping rooms (limited to three (3) persons or one (1) family unit per room) are provided for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) consecutive days in any thirty (30) day period of time, with breakfast being available on the premises. A bed and breakfast home is allowed only in a building originally constructed as a one (1) family dwelling subject to the provisions prescribed in the zone district where in the use is located.

BOARD OF MAYOR AND ALDERMEN: The Chapel Hill, Tennessee, Board of Mayor and Aldermen.

BOARD OF ZONING APPEALS: The Chapel Hill, Tennessee, Board of Zoning Appeals.

BUFFER STRIP: See Article III, Section 3.110, for provisions covering buffer strips.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structures, whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING INSPECTOR: The Building Inspector for the Town of Chapel Hill

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

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.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way has been established, from that future street right-of-way line, 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.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures and their relationship to each other; to open areas; and to lot lines.

CAMP GROUNDS: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by motor homes, camp trailers, tents, or other moveable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See MEDICAL FACILITY.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

DAY CARE CENTER: Any place, home, or institution, which receives eight (8) or more pre-teenage children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

DAY CARE HOME: Includes day care in an occupied residence of not more than eight (8) children, including any children living in the home.

DEVELOPMENT: Any manmade change to improve or unimproved real-estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DISTRICT: Any section or sections of the area lying within Chapel Hill, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage or buildings and other structures are in force.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- (1) Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single family.
- (2) Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) families the living quarters of each of which are completely separate.
- (3) Apartment dwelling means a building and accessories thereto principally used, designed, or adapted for use as occupancy by four (4) or more families each of which has separate living quarters. This includes triplexes and quadruplexes.

- (4) Rooming house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.
- (5) Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
- (6) Town house means a residential structure containing four or more single nondetached dwelling units separated by a common vertical wall.
- (7) Condominium means an apartment building or townhouse containing four or more dwelling units being under or intended for separate ownership for each household living accommodations.
- (8) Multi-family means a townhouse or apartment dwelling.
- (9) Triplex dwelling means units designed for use by three families located on the same tract in one ownership.
- (10) Quadruplex dwelling means four units designed for use by four families located on the same tract in one ownership.
- (11) Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this ordinance when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.
 - (a) Mobile home or trailer means a detached one-family dwelling with all the following characteristics:
 - (i) 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.
 - (ii) Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels.
 - (iii) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

Mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

FAMILY: One or more persons occupying a single unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four (4) or less boarders, including roomers, may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this ordinance, shall be construed include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. See Chapter 24, of Title 13, *Tennessee Code*.

FIREWORKS: Any substance, combination of substances, or articles prepared for the purposes of producing a visible display or an audible effect by combustion, explosion, deflagration, or detonation.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface water from any source.

FLOOD, 100-YEAR: A flood which has, on the average, a one (1) percent chance of being equaled or exceeded in any given year. It is sometimes referred to as the "one (1) percent-chance-flood."

FLOODPLAIN: A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation by floodwaters, or a low area subject to the unusual or rapid accumulation of runoff of surface waters from any source.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes, or adjustments which reduce or eliminate flood damages to real estate; improve real property; water supply and sanitary sewer facilities; electrical systems; and structures, including their contents.

FLOODWAY: The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters.

FLOODWAY FRINGE AREAS: Lands lying outside a designated floodway, but within the area subject to inundation by the 100-year flood.

FLOOR AREA: The sum of the horizontal areas several floors of all buildings on a lot measured from the exterior face of exterior walls. The following shall be excluded from calculation of the floor area:

- (1) Open exterior balconies or other covered open spaces
- (2) Uncovered terraces, patios, porches, atriums, or steps
- (3) Garages, carports, or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The Marshall County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest to the highest point of the building or structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

IMMOBILE: A vehicle incapable of moving under its own power.

INCIDENTAL ALTERATIONS: Changes or replacements in the nonstructural parts of a building or other structures without limitations to the following examples:

- (1) Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:
 - (a) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
 - (b) A minor addition to the exterior of a residential building, such as an open porch;
 - (c) Alterations of interior non-load-bearing partitions in all other types of buildings or other structures.
 - (d) Replacement of, minor change in, capacity of utility pipes, ducts or conduits; or
- (2) Changes or replacements in the structural parts of a building or other structure limited to the following examples or others of similar character or extent:
 - (a) Making windows or doors in exterior walls;
 - (b) Replacement of building facade having non-load-bearing capacity;
 - (c) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Any lot containing three (3) or more immobile (see definition) or unlicensed cars shall be deemed a junk yard.

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

LOADING SPACE: An area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings, including the open space required under this ordinance.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred-thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT FRONTAGE: The side of a lot that abuts a public street is the front of the lot. For corner lots, the shortest side fronting upon a street shall be considered the front of the lot. Where buildings exist on the lot, the frontage may be established by the orientation of the buildings. Where no other method determines conclusively the front of the lot, the Building Inspector shall select one frontage on the basis of traffic flow on adjacent streets, so that the lot is considered to front on the street with the greatest traffic flow.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning ordinance.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MEDICAL FACILITIES:

- (1) Convalescent, Rest or Nursing Home - A health facility where persons are housed and furnished with means and continuing nursing care for compensation.
- (2) Dental Clinic or Medical Clinic - A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight, except under emergency conditions.
- (3) Hospital - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as services, and staff offices which are an integral part of the facility.

- (4) Public Health Center - A facility utilized by a health unit for the provision of public health services.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon three (3) or more mobile homes as herein defined are placed, located or maintained in single ownership for rental purposes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NONCOMPLYING:

- (1) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.
- (2) Any lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this ordinance, or as a result of any subsequent amendment to the zoning ordinance, or
- (3) The following shall comply either on the effective date of this ordinance, or as a result of any subsequent amendment to the zoning ordinance. Any lawful use other than a nonconforming use, which does not comply with any part of any one (1) or more of the applicable regulations pertaining to:
 - (a) Location along district boundary;
 - (b) Signs; or
 - (c) Accessory off-street parking and loading;

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky, except as otherwise provided in this ordinance.

OWNER: Includes the duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having vested or contingent interest in the property in question

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PLANNING COMMISSION: The Chapel Hill Municipal Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

RECREATIONAL VEHICLES (inclusive of the terms motor-homes, travel trailers, and campers): A portable or mobile living unit used for temporary living quarters (defined for recreational vehicles as less than ninety (90) continuous days per year) and designated for travel, recreation, and vacation uses. The recreational vehicle shall be utilized for its designated uses away from the place of residence of the occupants, and shall not constitute the principal place of residence of the occupants. Recreational vehicles shall not be used as apartments or adjacent living quarters of a residential home.

RIGHT-OF-WAY: The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets, the right-of-way shall be thirty (30) feet from the street center line. On all arterial streets, the right-of-way shall be a minimum of forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Chapel Hill. The outer boundary of the right-of-way is contiguous with any property line abutting the street.

ROADWAY: The actual road surface, including necessary road shoulders and drainage facilities, including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

SEMI-TRAILER: A vehicle without motive power, factory or reconstructively designed, to be drawn on highways by a motor vehicle (primarily, a truck tractor) and so built that some part of its weight and that of its load rests upon the towing vehicle when attached; the semi-trailer can be unhitched and stored or parked separately when attached to motive power, and may or may not be loaded while parked.

SHELTER, FALL OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids storms, or other emergencies.

SHOPPING CENTER: A group of compatible commercial establishment that is planned, developed, and managed as a unit with on-site parking.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard, posterboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all. (off premises sign)

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Ground Sign: A sign supported by a pole, uprights, or braces on the ground.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Indirect Illumination Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

Off-Premises Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

Pole Sign or Banjo Sign: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

Roof Sign: A detached sign supported upon the roof or wall of a building.

Temporary Sign: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only. (A maximum of six (6) months.)

Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects no more than twelve (12) inches beyond the face of such wall.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one (1) lot and which has been legally dedicated and accepted for public use.

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

TRACTOR TRAILER RIG: A motor powered truck tractor vehicle, factory or reconstructively designed, to be attached to a semi-trailer and when so attached is utilized as a mobile rig to transport, convey, or move freight, goods, products, and merchandise of all types on highways from one location to another generally for commercial and industrial purposes; the truck tractor vehicle is used primarily for drawing other nonmotive vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and the load so drawn.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

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, provided that accessory buildings may be located in a rear yard.

YARD, FRONT: The yard extending across the entire width of the lot between the nearest part of the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied, except as herein provided, measured between the side the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ZONING MAP: A map or series of maps and special overlays (the official copy being maintained at the Chapel Hill Town Hall for public view) showing districts and special districts that are established under the provisions of, and are thereby, a part of this Ordinance.

ZONING PERMIT: A written permit issued by the Building Inspector before establishing, extending, or changing any activity or use on any lot.

ARTICLE III
GENERAL PROVISIONS

SECTION

- 3.010 Scope
- 3.020 Only One (1) Principal Building on Any Lot
- 3.030 Lot Must Abut a Dedicated or Public Street
- 3.040 Rear Yard Abutting a Public Street
- 3.050 Corner Lots
- 3.060 Future Street Lines
- 3.070 Reduction in Lot Area Prohibited
- 3.080 Obstruction to Vision at Street Intersection Prohibited
- 3.090 Access Control
- 3.100 Accessory Use Regulations
- 3.110 Buffer Strip Requirements
- 3.120 Site Plans

3.010 SCOPE

For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the town as a whole.

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located.

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

Only one (1) original building and its customary accessory buildings may hereafter be erected on any agricultural or residential lot. This provision does not prohibit planned commercial developments, multi-family dwellings or mobile home parks.

3.030 LOT MUST ABUT A DEDICATED OR PUBLIC STREET

No building shall be erected on a lot which does not abut at least one (1) public street for at least fifty (50) feet; this section shall not apply to properties abutting a cul-de-sac, which shall be at least forty (40) feet; (or to those with an easement of at least fifty (50) feet in width to a public street; provided, however, that when a permanent easement to a public street is used as access to a lot or tract of land having been or being separated by deed from other acreage, such easement shall not be used to provide access to any additional lot or tracts.

3.040 REAR YARD ABUTTING A PUBLIC STREET

When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050 CORNER LOTS (AMENDED BY ORDINANCE 07-10, NOVEMBER 13, 2007)

For lots adjacent to the intersection of two (2) public streets, the front yard shall be determined by the address of the parcel and the rear yard shall be directly behind the front yard. The side yard setback for the double frontage shall be the same as the front yard setback. The remaining side yard setback shall be determined by the particular zoning district.

3.060 FUTURE STREET LINES

For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official *Major Thoroughfare Plan of Chapel Hill*.

3.070 REDUCTION IN LOT AREA PROHIBITED

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion or a lot is acquired for a public purpose.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION AND RAILROAD INTERSECTIONS PROHIBITED

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of ninety (90) feet from the intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and height of ten (10) feet above the average grade of each street and/or railroad at the center line, thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090 ACCESS CONTROL

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- A. A point of access for vehicles onto a road shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing the access does not exceed fifty (50) percent of its respective road frontage.

All points of access shall be constructed as to provide for proper drainage.

- B. There shall be no more than two (2) points of access to any one (1) public road each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots with less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public road.
- C. No point of access shall be allowed within twenty-five (25) feet of the curb line (or roadway shoulder when there are no curbs) of a public intersection.

- D. No curbs on town streets or rights-of-way shall be cut or altered without written approval of the Town of Chapel Hill, or if a state highway, a permit must be obtained from Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than thirty (30) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public road.

3.100 ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Total accessory use in residential areas shall be limited to covering no more than one-half (1/2) the size of the principal use on any lot.
- F. Accessory structures shall not exceed twenty (20) feet in height, except as permitted in Section 6.040.

3.110 BUFFER STRIP

Where any nonresidential use (those uses allowed under the B-1, B-2, B-3, M-1, or M-2 Zones) is established that borders any residential use, a suitable buffer strip shall be planted along the boundary of the residential use. Additionally, any new construction or expansion of an existing nonresidential use that abuts any residential use shall require the installation of a buffer strip along the boundary with the residential use. The following provisions shall apply to the implementation of such buffer strip:

- A. The buffer strip shall not be less than ten (10) feet in width with a mix of evergreen shrubs and evergreen trees, supplemented with other plantings, to sufficiently screen the nonresidential use(s) from the adjoining residential use(s). The length of the buffer shall be determined by the Planning Commission on a case-by-case basis; however, the length of the buffer shall, in every case, be sufficient to screen the nonresidential use for the adjoining residential use(s).
- B. The buffer shall provide sufficient buffering to provide a year-round dense screen within three (3) years from the time of planting.

- C. A landscape plan shall hereby be required for all site plan submittals in which construction of a newly established nonresidential use or the expansion of an existing nonresidential use that adjoins any residential use. The landscape plans shall be stamped by a registered landscape architect and shall contain an appropriate landscape schedule. A landscape plan is only required to be submitted with site plans in which a nonresidential use adjoins any residential use.
- D. The building official shall have the right to inspect the buffer strip periodically to ensure that adequate screening from the nonresidential use to the residential use is in place. If the buffer strip is not deemed sufficient by the building official, the property owner shall be in violation of the *Zoning Ordinance of the Town of Chapel Hill*.

If a more intense non-residential use (those uses allowed under the B-3, M-1, or M-2 Zones) is established, expanded, or altered adjacent to any residential use, a more extensive buffer may be required by the Planning Commission to screen the more intense land-use from the adjoining residential use. The size, scope, and composition of the buffer shall be prescribed by the Planning Commission.

3.120 SITE PLANS

- A. Five (5) copies of proposals for the construction or location of one (1) or more principal structures on a lot, additions to existing buildings more than forty (40) percent of the current building area, or free-standing accessory structures more than fifteen hundred (1,500) square feet, (with the exception of single-family and two-family dwellings), shall be submitted to Town Hall no later than fifteen (15) days prior to the upcoming Planning Commission meeting. See Article VIII, Section 8.030, for specific site plan requirements.
- B. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Section 4.080.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Chapel Hill Municipal Planning Commission.
- D. The Planning Commission may require that site plans be prepared and stamped by an individual licensed and certified by the State of Tennessee.
- E. Performance bonds, when required by the Planning Commission for site plans, shall be provided according to the following provisions:
 1. All site plans presented for review and approval to the Chapel Hill Municipal Planning Commission shall present the planning commission a performance bond for improvements shown on the site in the amount of one hundred-twenty (120) percent of cost of said improvements.
 2. Said improvements shown on the site plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainage ways, including catch basins, or any other improvements required by the planning commission before the site plan is approved.
 3. The performance bond must be payable to the Chapel Hill Board of Mayor and Aldermen.

4. The performance bond must be retained for a period of one (1) year from the approval date of the site plan. If improvements have been made within one (1) year period, the Board of Mayor and Aldermen may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Board of Mayor and Aldermen, of the Town of Chapel Hill, shall retain and cash the performance bond to facilitate the completion of such improvements.

F. Site Plan Requirements (Added by Ordinance 07-10, November 13, 2007)

Site plans shall be required for multi-family residential developments, commercial and industrial developments, and all special exceptions. The following requirements are intended to promote good development and ensure that all multi-family residential, commercial and industrial developments and special exceptions comply with the provisions of this ordinance. Any approval of a site plan shall cease to be effective one (1) year after the date of approval if a building permit has not been reissued or unless the site is reapproved.

The Planning Commission shall review the site plan for compliance with the site plan requirements set forth in this ordinance and all other requirements. Incomplete information may result in the site plan being returned to the applicant without approval. Approval can be granted to an applicant by the Planning Commission contingent upon the applicant making recommended modifications. Such contingent approvals are available at the discretion of the Planning Commission and evaluated on a case by case basis. Site plans shall be drawn at a scale to allow adequate review. The following table is provided as a guide for selecting the appropriate site plan scale.

Area of Site	Suggested Minimum Scale
≤ 1 acre	1" = 20'
> 1 acre but ≤ 5 acres	1" = 30'
> 5 acres but ≤ 10 acres	1" = 50'

Site plans drawn to a scale smaller than 1" = 50' will generally not be accepted.

The site plan shall be submitted on sheets measuring 18"x24" or 24"x36". All applicable items on the following checklist shall be depicted on the site plan. A copy of the checklist shall accompany the application for site plan review with items included on the site plan checked and items not applicable identified as "N/A". Items that are applicable but not depicted on the site plan shall be left blank.

TOWN OF CHAPEL HILL

SITE PLAN REVIEW CHECKLIST

GENERAL SITE PLAN:

- _____ (1) the proposed site plan name and subdivision lot number if the property is part of an approved subdivision;
- _____ (2) the name, address, and telephone number of the person who prepared the site plan;
- _____ (3) a brief description and the date of any revisions to the site plan;
- _____ (4) the location of existing and proposed property lines with dimensions noted;
- _____ (5) north direction;
- _____ (6) graphic or bar scale;
- _____ (7) names of adjoining property owners and/or subdivisions;
- _____ (8) the acreage of the land to be developed;
- _____ (9) the map, group, and parcel numbers for the property as recorded on the land tax maps of Marshall County;
- _____ (10) a legend of symbols and line types used on the site plan;
- _____ (11) the minimum building setback lines as indicated in Article V, of the Zoning Ordinance;
- _____ (12) public utility easements;
- _____ (13) denotation of all easements upon the land;
- _____ (14) the existing and proposed elevation contours at a vertical interval of one (1) foot based on sea level with existing contours shown as dashed lines and proposed grading contours shown in solid lines;
- _____ (15) a location sketch map depicting the relationship of the site to the surrounding area including the adjoining streets and affected drainage basin;
- _____ (16) the location and arrangement of proposed structures;
- _____ (17) height of proposed structures in stories and feet;
- _____ (18) the square footage of all proposed structures;
- _____ (19) the location of railroads upon or adjoining the site;
- _____ (20) the location of cemeteries upon the development tract;
- _____ (21) phase lines;
- _____ (22) proposed fences with type of construction materials noted (i.e., chain link, wood, masonry);

ZONING:

- _____ (23) the present and proposed zoning classification(s) of the land proposed for development;
- _____ (24) the zoning classification(s) of adjoining land;
- _____ (25) overlay districts such as airport zones, flood zones, battlefield protection districts, and historic districts;
- _____ (26) a table of the required minimum setbacks as indicated in Article V, of the Zoning Ordinance;

ACCESS, CIRCULATION, AND PARKING:

- _____ (27) adjoining public right(s)-of-way(s) with names, centerlines, medians, median openings and traffic lanes noted;
- _____ (28) the location of streets and driveways that intersect the adjoining public right(s)-of-way(s) adjacent to the development tract;
- _____ (29) the location and dimensions of existing and proposed driveways and curb cuts;
- _____ (30) proposed and existing location of curbs as well as a curb detail showing the type of curb proposed;
- _____ (31) proposed median openings;
- _____ (32) proposed and existing sidewalks both on-site and within the adjoining public right(s)-of-way(s);
- _____ (33) the location of all proposed and required parking and loading areas in accordance with Article IV, the Zoning Ordinance;
- _____ (34) the location and dimensions of parking spaces;
- _____ (35) the location and dimensions of loading spaces;
- _____ (36) the location and dimensions of access aisles;

FLOODING AND DRAINAGE:

- _____ (37) the limits of floodway and flood fringe areas (100-year flood line) or 100-year high water line;
- _____ (38) the minimum floor elevation;
- _____ (39) the regulatory flood protection elevation, as determined according to flood maps or flood studies as required;
- _____ (40) the Flood Insurance Rate Map community and panel numbers, effective date, and flood zones of the subject property;
- _____ (41) the location of water courses upon or adjoining the development tract;
- _____ (42) proposed drainage retention or detention areas with engineered stamped calculations;
- _____ (43) the location and invert elevations of proposed and existing bridges, culverts, drainage ditches, drainage swales, drain pipes and other drainage structures;
- _____ (44) drainage calculation summary for all drainage structures included above; and
- _____ (45) high points, depressions, and significant spot elevations;

UTILITIES:

- _____ (46) the location, size, and direction of flow of existing and proposed sanitary sewers;
- _____ (47) profile of proposed sanitary sewers;
- _____ (48) the location and size of existing and proposed water mains;
- _____ (49) the location of existing and proposed fire hydrants;
- _____ (50) the location of gas lines;
- _____ (51) the location of overhead and underground utility lines, including electric, telephone, and cable television lines;

- _____ (52) the location and size of water meter connections;
- _____ (53) the location, size and blocking for valves and fittings for main line water lines;
- _____ (54) the location and size of sanitary sewer connections, clean-outs, septic tanks, and grease traps;
- _____ (55) the location of back-flow preventers;
- _____ (56) where sanitary sewer is not available, the following:
 - (i) areas to be used for sewage disposal and their percolation results, or if the Planning Commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
 - (ii) water wells (existing and proposed); and
 - (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features;

MULTI-FAMILY AND ZERO-LOT LINE DEVELOPMENTS:

- _____ (57) total square feet of area occupied by buildings;
- _____ (58) a tabulation of the number and size of dwelling units broken down by the number of bedrooms in each dwelling unit;
- _____ (59) information to support an application for amenity incentives as provided in Subpart 14, A, of this article;
- _____ (60) the building foot prints and legal building envelope of all lots in a zero-lot line development;
- _____ (61) the projected location of future lot lines to be established after construction as begun of all zero-lot line structures;
- _____ (62) the proposed location for elements of solid waste management including the locations of enclosures for garbage containers, dumpsters, or compactors and the location of screening for these site elements.

LANDSCAPING AND BUFFERING:

- _____ (63) A Plant Schedule. The Plant Schedule must contain:
 - A) _____ Quantity of each plant material;
 - * B) _____ * Common and botanical name of plant material; *
 - C) _____ Size and spacing of all proposed landscape material at time of planting;
 - D) _____ General plant comments;
- _____ (64) Any tree(s) or plant materials that are located in the public right-of-way;
- _____ (65) Total linear feet of lot frontage on a public right-of-way;
- _____ (66) Existing plant materials to be left in natural state (non-disturbed areas only);
- _____ (67) Methods and details for protecting existing plants (tree protection zones must be designated and established in order to receive credit for required landscaping);
- _____ (68) Location and description of required landscape improvements, including perimeter landscaping, landscaping within parking lots, and buffer strips if the parking area is two or more acres, (the description shall include the size of the parking area and the actual percentage of the parking area used for landscaping);
- _____ (69) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courtyards or paved areas;
- _____ (70) Location and type of irrigation system compliance; and
- _____ (71) Layout of parking and traffic patterns.

OTHER:

- _____ (72) the location, size and arrangement of all outdoor lighting;
- _____ (73) an erosion control plan that demonstrates the manner in which soil erosion will be limited on-site and how areas susceptible to erosion will be stabilized; and,
- _____ (74) the location, height, width, display area, arrangement, and type of all proposed signage; and
- _____ (75) any other information necessary for the Planning Commission and Planning Director to adequately review the site plan.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Off-Street Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Home Occupations
- 4.050 Gasoline Service Station Restrictions
- 4.060 Development Standards for Multi-Family Dwellings
- 4.070 Standards for Signs, Billboards, and
Other Advertising Structures
- 4.080 Development Standards for Automobile Wrecking,
Junk and Salvage Yards
- 4.090 Development Standards for Cemeteries
- 4.100 Minimum Design Standards for Transmission and
Communication Towers and Stations
- 4.110 Flood Damage Prevention Requirements

4.010 OFF-STREET PARKING REQUIREMENTS

In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are, hereafter, established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9'x18')) and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where

they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses, as set forth below:

A. Residential Activities

1. Permanent

a. Single Family Dwellings; Two-Family Dwellings; Mobile Homes

Two (2) per each dwelling unit.

b. Multi-Family Dwelling (3 or more); Townhouses; Condominiums

Two (2) spaces per each dwelling unit.

c. Elderly Housing, (Persons over the Age of Sixty (60)

One and one-half (1 1/2) spaces per unit.

2. Semi-Permanent

a. Boarding or Rooming House

One and one-half (1 1/2) spaces for each dwelling or rooming unit.

B. Community Facility Activities

1. Cultural and Recreational Services

Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (1/2) or more thereof) for the type following specified uses within the activity types indicated.

a. Art Galleries, Museums, Libraries

One (1) space for each eight hundred (800) square feet of gross floor area.

b. Swimming Pools

One (1) space per four (4) persons, based on design capacity of pool.

c. Parks, Playgrounds and Athletic Fields

Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.

- d. Recreation Centers and Gymnasiums (Public/Nonprofit)
Fifty (50) percent of the capacity in persons.
- 2. Essential Public Transport, Communication, and Utility Services
 - a. Electric and Gas Substations
One (1) space for each employee on major shift, plus one (1) per company vehicle.
- 3. Administrative Services; Government Office
One (1) space for each three hundred (300) square feet of gross floor area.
- 4. Community Assembly
One (1) space for every three (3) persons of rated capacity of the facility.
- 5. Education Facilities; Public and Private Schools
 - a. Kindergarten and Nursery
One (1) space for each employee.
 - b. Elementary and Middle Schools, Grade 1-9
One (1) space for each teacher and staff member, plus one (1) space per two (2) classrooms.
 - c. High School, Grades 9-12
One (1) space for each teacher and staff member, plus one (1) space for every three (3) students, based on design capacity.
 - d. Vocational or Trade Schools
One (1) space for each student plus one (1) space for each employee.
- 6. Extensive Impact Facilities
 - a. Airports, Heliports, or Other Aeronautical Devices
One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area in areas open to public.
 - b. Detention or Correctional Institutions
One (1) space for each staff member and facility vehicle, plus one (1) space per twenty-five (25) inmates.

c. Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities

One (1) space for each employee.

d. Railroad, Bus, and Transit Terminals for Passengers

One (1) space for each two hundred (200) square feet of waiting room.

e. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards

One (1) space for each employee.

f. Water and Sewage Treatment Plants

One (1) space for every employee.

7. Health Care Facilities

a. Hospitals

One (1) spaces for two (2) bed, plus one and one-half (1 1/2) spaces for each emergency room examination table or bed, plus one (1) per employee on major shift other than doctors, plus one (1) space for each doctor on staff.

b. Medical or Dental Clinics

Three (3) spaces for each staff member or doctor or dentist.

8. Special Personal and Group Care Facilities

a. Day Care Centers and Family Day Care Homes

One (1) space for each staff member, plus one (1) space for every eight (8) pupils.

b. Family and Group Care Facilities

Two (2) spaces for every employee.

c. Nursing Homes or Convalescent Homes

One (1) space for each staff member, plus one (1) space for each three (3) patient beds.

9. Religious Facilities

All Uses: One (1) space for each three (3) seats.

C. Commercial Activities

Uses Located on Freestanding Sites

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250, in the column labeled GROSS FLOOR AREA, this means, one (1) parking space is required for every two hundred-fifty (250) square feet of gross floor area in the building, or rooms to be used for each activity.

<u>Activity Type</u>	<u>Gross Floor Area (Square Feet)</u>
1. <u>Nursery or Green House</u> <u>Retail Sales</u>	One (1) space per 1,000 square feet of sales area, plus one (1) space for each employee.
2. <u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	One (1) space per 500 square feet of enclosed sales or rental floor area, plus one (1) space per 2,500 square feet of open sales or rental display area, plus two (2) spaces per service bay, plus one (1) space for each employee.
3. <u>Retail Sale of Building Materials, Farm Equipment and Hardware</u>	One (1) space per 400 square feet of enclosed sales area, plus one (1) space per 2,500 square feet of open sales display area, plus one (1) space for each employee.
4. <u>Food and Beverage Service</u>	One (1) space for every three (3) seats, plus one (1) space for each employee on major shift.
5. <u>Food Service Drive-In (Fast Food)</u>	One (1) space for every two (2) seats, plus one (1) space for each employee on major shift.
6. <u>Retail Food Stores</u>	
a. <u>Convenience Store</u>	150
b. <u>Grocery Store</u>	200

7.	<u>General Retail Store</u>	
	a. <u>Up to 25,000 Square Feet</u>	200
	b. <u>Over 25,000 Square Feet</u>	250
8.	<u>Furniture Store and Home Furnishings</u>	200
9.	<u>Shopping Center</u>	
	100,000 Square Feet or Less	200
	Over 100,000	250

Service Activities

1.	<u>Animal Care and Veterinarian Services; Veterinary Hospital</u>	Three (3) spaces for every doctor, plus one (1) space for each employee.
2.	<u>Automobile Services and Repair</u>	One (1) space for each employee, plus two (2) spaces for each service bay.
3.	<u>Business Services</u> (All Uses)	400 Plus one (1) space for each employee.
4.	<u>Contract Construction Office</u>	300 Plus one (1) for each company vehicle.
5.	<u>Equipment Repair Services</u>	300
6.	<u>Entertainment and Amusement</u>	
	a. <u>Art Galleries</u>	800
	b. <u>Bowling Alleys</u>	Five (5) spaces for each alley, plus one (1) for employee.
	c. <u>Billiard Parlor</u>	Two (2) spaces per table.
	d. <u>Coin Operated Arcades</u>	250

e.	<u>Commercial Recreation</u>	
	Dance Halls and Skating Rink	100
	Golf Courses, Driving Range, Putt-Putt Course	Six (6) spaces per hole, plus one (1) for each employee.
	Exhibitions Halls, Auditoriums, Amphitheaters	One (1) space for each three (3) seats, plus one (1) for each employee.
f.	<u>Motion Picture Theater</u>	One (1) space for each three (3) seats, plus one (1) for each employee.
g.	<u>Recording, Television, and Radio Studios</u>	One (1) space for each employee.
h.	<u>Resorts and Group Camps</u>	One (1) space for every campsite, plus one (1) space for each employee.
i.	<u>Fairgrounds, Amusement Parks, Carnivals, Circuses</u>	One (1) space for every 200 square feet of enclosed building, plus one (1) space for every three (3) persons the facility is designed to accommodate.
8.	<u>Finance, Insurance and Real Estate Services</u>	
	(All Uses)	200 Plus one (1) space per each employee.
9.	<u>Gasoline Service Station</u>	500 Plus two (2) spaces for each service bay and one (1) for each employee.
10.	<u>Funeral, Mortuary, Undertaking Services</u>	One (1) space for every four (4) seats, plus one (1) for each employee, plus one (1) space for every company vehicle.

- 11. Office Professional 300
- 12. Office, Medical, Dental Three (3) spaces per treatment room, plus one (1) for every doctor, dentist or employee.
- 13. Transient Habitation
 - a. Hotel, Motels, Tourist Homes or Courts One (1) space for each room to be rented, plus one (1) space for each employee.
 - b. Sporting and Recreational Vehicle Camps One (1) space for each travel vehicles or pad plus one (1) space per each employee.

D. Industrial Activities

- 1. Manufacturing/Industrial
Five (5) spaces, plus one (1) for each employee on the shift of maximum employment.
- 2. Warehousing, Foods or Freight Transport, and Storage
One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.
- 3. Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards
One (1) space for each one thousand (1,000) square feet of gross floor area.

E. Other

For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within Article II, Section 2.030, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011 Certification of Minimum Parking Requirements

Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are met.

4.012 Combination of Required Parking Spaces

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.013 Remote Parking Spaces

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

4.014 Extension of Parking Area into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

- (1) The parking area adjoins a commercial or industrial district.
- (2) The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
- (3) The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot landscape visual buffer, as described in Article III, Section 3.110.

4.015 Requirements for Design of Parking Lots

- (1) Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- (2) Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
- (3) Entrances and exits for all off-street in such comply with the requirements of Section 3.090, of this ordinance.
- (4) The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- (5) There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.

- (6) All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt or concrete and so constructed to provide for adequate drainage. All parking spaces shall be clearly marked. The minimum stone base for all asphalt or concrete parking lots shall be eight (8) inches. (Amended by Ordinance 05-15, October 10, 2005)
- (7) No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.
- (8) All parking lots to be in compliance with the federal Americans with Disabilities Act requirements.

4.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every non-residential building or structure over seven thousand five hundred (7,500) square feet which require deliveries or shipments hereafter constructed or converted from residential use shall provide off-street loading and unloading spaces in accordance with the following table. Such space shall have access to a public or private alley. At no time shall any truck, van or other vehicle be allowed to extend into the public right-of-way or to use the public right-of-way as a maneuvering area. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

**Total Usable Floor Area
for Principal Building**

**Spaces Required (See
Article II, for Definition)**

Off-street Loading and Unloading Requirements for Commercial Uses:

5,000 to 25,000 square feet	One (1) space
25,001 to 50,000 square feet	Two (2) spaces
50,001 to 100,000 square feet	Three (3) spaces
Each 100,000 above 100,001	One (1) additional space for each 100,000

Off-street Loading and Unloading Requirements for Industrial Uses:

5,000 to 40,000 square feet	One (1) space
40,000 to 100,000 square feet	Two (2) spaces
100,001 square feet and above	One (1) additional space for each 100,000

Applicants may petition the Board of Zoning Appeals to reduce this requirement in the interest of safety where unusual or special conditions are present.

4.030 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Such application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. Carnival or Circus

May obtain a Temporary Use Permit in any District; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided. All carnivals and circuses shall maintain a separation of one hundred-fifty (150) feet from any residential structure.

B. Limited Duration Goods and Seasonal Merchandise

May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district. This temporary use includes temporary firework sales and Christmas tree stands.

C. Temporary Buildings

In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Chapel Hill Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the IB, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Temporary Dwelling Units in Case of Medical Hardships

In any district, a Temporary Use Permit may be issued Chapel Hill Board of Zoning Appeals to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Marshall County Health Department or the Chapel Hill Sewer Department approving the sewage disposal system of the proposed temporary structure. Such permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

G. Temporary Dwelling Unit in Cases of Other Special Services

In any residential district, a Temporary Use Permit may be issued to place a mobile home temporarily on a lot in which already contains a residential structure where the Chapel Hill Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Marshall County Health Department or the Chapel Hill Sewer Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total time for all permits not exceeding a total of eighteen (18) months. The temporary structure shall be treated as an accessory building.

I. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Chapel Hill Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed manufacturing plants, as it may deem advisable in the furtherance of the general purposes of this ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

4.040 HOME OCCUPATIONS

An occupation or profession that is: accessory to a residential use and is customarily carried on in a dwelling or in a building or other structure accessory to a dwelling; carried on by a member of the family in residence in the dwelling; clearly incidental and secondary to the use of the dwelling for residential purposes; and conforms with the following conditions:

- A. The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto;
- B. Not more than two (2) people outside the family shall be employed in the home occupation, and there shall be no stock in trade;
- C. There shall be no exterior display, no exterior signage (except as permitted by the zoning regulations, herein), no exterior storage of materials, and no other exterior indication of the home occupation that would alter the residential character of the principal building;
- D. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated;
- E. No traffic shall be generated by such home occupation in greater volume than would be normally expected in the neighborhood;
- F. In addition to off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours;
- G. The home occupation shall not utilize more than twenty (20) percent of the total floor area of the dwelling.

The uses that will be allowed as home occupation are those that are of low intensity, and are inclusive, but not limited to the following examples: doctor's office, hairdresser's shop, accountant's office, contractor's office, or insurance office. Neither a day care center nor an automotive repair shop shall not be included in the interpretation of a home occupation.

All questions regarding specific home occupations shall be determined by the Board of Zoning Appeals.

4.050 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
- C. Sign requirements as established in Article IV, Section 4.080, shall be met.

4.060 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS

The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Section 7.030, B, 2.

4.061 Development Standards

(1) General Standards

It is the intent that multi-family dwellings where they are permitted:

- (a) May be appropriately intermingled with other types of housing, within the same development;
- (b) Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- (c) Shall constitute groupings making efficient economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.
- (d) Shall provide a landscaped buffer of at least twenty-five feet adjacent to any single-family residential development. If deemed to be needed by the Planning Commission and the Board of Zoning Appeals, a six (6) to eight (8) foot fence adjacent to the single family residential development can be required.

(2) Detailed Standards

- (a) Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of thirty (30) feet shall be maintained between buildings.
- (b) Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.
- (c) The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- (d) Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

- (e) Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- (f) Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.
- (g) Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- (h) All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Chapel Hill Subdivision Regulations.
- (i) The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- (j) Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view.

4.062 Access and Parking Requirements

(1) Access

- (a) Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 3.030 and 3.090, of this ordinance.
- (b) Access and circulation shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.

(2) Parking

- (a) Parking spaces shall be provided in accordance with Section 4.010, of this ordinance.
- (b) Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.
- (c) Parking areas are required to be lighted in such a manner as direct the lighting away from adjacent residential developments.

4.063 Open Space Requirements

Any common open space established within a multi-family dwelling development shall be subject to the following:

(1) Quality Use and Improvement of Common Open Space

- (a) Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- (b) No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
- (c) Common open space may consist of either improved or unimproved land. In this regard, the approving agency may determine that all or part of stream areas, bodies of water and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

(2) Maintenance of Open Space

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall be included but not limited to the following:

- (a) The maintenance organization must be established and operational before any unit is sold.
- (b) Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- (c) The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.
- (d) The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- (e) Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- (f) The association must be able to adjust the assessment of fees to meet changing needs.

(3) Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- (a) It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- (b) It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

4.070 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

4.071 Intent and Objectives

(1) Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

- (a) protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
- (b) assure proper exposure of signs to their intended viewers;
- (c) protect the right of individuals to privacy and freedom from nuisances;
- (d) protect the value of property and improvements thereon;
- (e) permit signs that are constructed and maintained in a safe condition;
- (f) assure that signs are constructed and maintained in a safe condition;
- (g) encourage design that enhances the readability and effectiveness of signs;
- (h) prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;

- (i) reduce traffic hazards;
- (j) eliminate obsolete signs;
- (k) provide an efficient and effective means of administration and enforcement.

(2) Scope

Except for signs that are prohibited in all districts in Subsection 4.084, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs.

These regulations shall not in any manner attempt to control the content of signage. These regulations direct the size, location, height, lighting, and spacing requirements of signage within Chapel Hill.

4.072 Supplementary Sign Definitions

The following definitions are to be used for interpreting the provisions of this *article only*. Where words have not been defined, the standard dictionary definition shall prevail, unless defined in Article II, of this ordinance.

Awning: Any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning Sign: A sign placed directly on the surface of an awning.

Banner: A sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

Billboard: See off-premise sign.

Bulletin Board Sign: A particular type of changeable copy sign that displays copy in a casement made of glass or Plexiglas.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy Sign: A sign attached to a canopy.

Copy: The characters, letters, or illustrations displayed on a sign face.

Frontage, Building: The length of a building that faces a street, parking area, or private drive.

Illegal Sign: A sign that was constructed in violation of regulations that existed at the time it was built.

Nonconforming Sign: A sign that met all legal requirements when constructed, but that is not in compliance with these regulations. An illegal sign is not a nonconforming sign.

Sign: Any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (a) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) Is used to announce, direct attention to, or advertise; and
- (c) Is visible from outside a building.

Sign, Abandoned: Any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

Sign, Accessory: Any sign that directs attention to a person, activity, or commodity on the same zone lot.

Sign, Advertising: A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than fifteen (15) square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

Sign, Animated: A sign that is animated, moving, rotating or appears to be animated, moving or rotating.

Sign, Banner: A sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. "Banner" shall include animated and/or fluttering devices designed to attract attention.

Sign, Building Mounted: Any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than said pole or support, which shall be considered a freestanding sign.

Sign, Changeable Copy: A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

Sign, Civic: A type of accessory sign that identifies or provides related information about community facility activity types.

Sign, Development: A type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

Sign, Direct Illumination: All illuminated signs not included in the definition of "Sign", "Luminous Background" or "Sign", "Indirect Illumination".

Sign, Directional: Any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three (3) square feet in size or thirty (30) inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

Sign, Directory: A sign which lists the names of individuals, businesses, or products available at a single site.

Sign, Expressive: Any sign that express an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

Sign, Freestanding: Any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to support the sign and any sign attached to any upright pole or supports when such sign is wider than said pole or support.

Sign, Hand-tacked: A temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

Sign, Incidental: An accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three (3) square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger", "no trespassing" or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three (3) square feet.

Sign, Indirect Illumination: Is any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

Sign, Large Residential: A type of accessory sign larger than three (3) square feet that indicates the name and/or address of a residential activity type that contains four (4) or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned development that contains more than twelve (12) dwelling units.

Sign, Luminous Background: A sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaque.

Sign, Monument: A freestanding sign with a base affixed to the ground which measures at least two-thirds (2/3) the horizontal length of the sign.

Sign, Permanent: Any permitted sign which is not restricted as to the duration of time it can be displayed.

Sign, Portable: Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Sign, Projecting: Any sign that: (a) is attached to a wall and projects outward from the wall more than twelve (12) inches; or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Sign, Realty: A type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon which is no larger than nine (9) square feet.

Sign, Structure: A structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Sign, Wall: A type of building mounted sign: (a) that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee; (b) that does not project outward more than twelve (12) inches from the surface to which it is attached; and (c) in which the sign face is parallel to the plane of the surface to which it is attached.

4.073 Exempt Signs and Temporary Signs

(1) Exempt Signs

The following are exempt from the provisions of this article or from the requirement to obtain a sign permit.

- (a) Address and Name of Resident: Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- (b) Artwork: Works of art that do not include any commercial messages or references.
- (c) Construction Signs: Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- (d) Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.
- (e) Directional Signs: Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five (5) feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- (f) Flags, Emblems, Insignia, and Banners: Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the

total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall-mounted flags, emblems, insignia, and banners shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area.

- (g) **Handicapped Parking Space Sign:** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- (h) **Home Occupation Signs:** On-premise identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
- (i) **Public Signs:** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board.
- (k) **Seasonal Signs:** Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- (l) **Security and Warning Signs:** On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
- (m) **Temporary Political Signs:** On premises temporary political signs may be located in any residential, commercial, or industrial district. These signs shall not exceed sixteen (16) square feet and are permitted in addition to any other signs permitted by this ordinance. These signs shall be removed within seven (7) days after the election or political event.
- (n) **Temporary Real Estate Signs:** Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

(2) **Temporary Signs Requiring Permit**

The following signs may be erected only after receiving a permit from the enforcing officer in compliance with Subsection 4.087. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, may be removed by the enforcing officer and the individual or enterprise charged the cost of removal.

- (a) **Special Event Signs:** Signs announcing special events including, but not limited to, grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any

business, individual, or organization may display two (2) temporary signs, excluding portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located on building walls and windows, but are excluded from all roof areas and shall be removed immediately following the event.

- (b) Construction Signs: Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding twenty (20) square feet in area and eight (8) feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.

4.074 General Provisions

(1) General Standards

- (a) No sign, except for those specified in Subsection 4.087, 1, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
- (b) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- (c) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- (d) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.
- (e) No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
- (f) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- (g) No sign shall obstruct any doorway, window, or fire escape.
- (h) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- (i) All pole and monument signs shall be limited to no more than eight (8) items of information.

(2) Surface Area Display Standards

- (a) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.
- (b) When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding thirty (30) degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- (c) In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- (d) On a corner lot, a permitted sign may be located along each street frontage.

(3) Height of Signs

The following general rules shall apply in the determination of the height of signs.

- (a) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.
- (b) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

(4) Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- (a) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- (b) Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;
- (c) Signs which contain any kind of strobe or pulsating lights;
- (d) Banner signs, except as permitted in Article IV, Subsection 4.087, 1, e;
- (e) Off-premise signs, except as permitted in Article IV, Subsection 4.086, 2, f, and g;
- (f) Hand-tacked signs, on utility poles, fence posts and trees;
- (g) Portable signs, except as permitted in Article IV, Subsection 4.083, 2, a.
- (h) Roof signs.

4.075 Signs Permitted in Residential Districts

Within the residential districts, the following signs are permitted subject to the provisions as set forth herein.

(1) Community Facility Activities

- (a) A community facility activity may have one (1) civic sign constructed as a monument sign or a wall sign.
- (b) A monument sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- (c) A wall sign shall not exceed fifty (50) square feet in size.
- (d) Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- (e) Civic signs shall be set back from the street right-of-way and property lines, a minimum of eight (8) feet.

(2) Development Signs

- (a) A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the planning commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.
- (b) All development sign shall are limited to ten (10) square feet of signage for each one hundred (100) feet of road frontage in the development, but no development may be limited to a sign of less than fifty (50) square feet.
- (c) A development sign shall not be lighted.
- (d) Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

(3) Large Residential Signs

- (a) Subdivision identification signs may be permitted at the main entrances to a subdivision.
- (b) Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.

- (c) All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- (d) A subdivision identification sign shall not exceed twenty-five (25) square feet in size.
- (e) The maximum height of such signs shall be four (4) feet when constructed as a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- (f) All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- (g) Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

4.076 Permitted Signs in Commercial and Industrial Districts

Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

(1) Commercial District Signs

Within the B-1, B-2, and B-3 Districts, the following standards for signs shall apply:

- (a) Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in Subsections d, e, and f, below. All other sign types are prohibited.
- (b) A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
 - (i) Such sign shall not exceed forty (40) square feet in display surface area.
 - (ii) Such sign shall not exceed twenty (20) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
 - (iii) Such sign shall clear the established grade by a minimum of ten (10) feet.
 - (iv) Such sign shall be no closer than twenty-five (25) feet to any other projecting sign.

- (c) Wall signs are permitted subject to the following standards:
 - (i) Such sign shall not exceed fifty (50) square feet in display surface area on any one wall.
 - (ii) Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two (2) street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
 - (iii) Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
 - (iv) Such sign shall not cover or interrupt major architectural features of the building.
 - (v) If a use utilizes both wall and projecting signs, the total display surface area shall not exceed eighty (80) square feet.
- (d) If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground or pole sign for each street frontage subject to the following standards. All other signs on the same lot shall be wall signs.
 - (i) Pole signs shall be limited to a maximum display surface area of thirty-two (32) square feet. The maximum display surface area for all signs on the same lot shall not exceed sixty-four (64) square feet. All pole signs shall be setback a minimum of fifteen (15) feet from any street right-of-way or property line. Pole signs shall be limited to a maximum height of twenty-five (25) feet.
 - (ii) In lieu of a pole sign a ground or monument sign, located in a landscaped area, may be used. No monument sign may exceed six (6) feet in height, except for those where the ground is artificially raised by an earth berm. Ground or monument signs shall be located no closer than five (5) feet from the street right-of-way. No individual sign shall exceed a maximum size of thirty-two (32) square feet and a total of sixty-four (64) square feet per lot.
 - (iii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.

- (e) A commercial complex of two (2) or more acres, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions:
- (i) A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. Corner lots are allowed to have one sign on each frontage. The maximum size of each such sign shall be fifty (50) square feet with a maximum sign area of one hundred (100) square feet per lot. Such sign shall not exceed twenty-five (25) feet in height.
 - (ii) In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory or marquee sign identifying individual occupancies, these signs shall be limited to a maximum of ten (10) square feet of signage for every one hundred (100) feet of frontage or lot width, not to exceed one hundred-fifty (150) square feet in area. Each individual space shall be limited to a maximum of eight (8) square feet per occupant. Illumination for these signs shall be internal with no changeable copy except for face
 - (iii) Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
- (f) This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional provisions shall apply:

Each such use shall be permitted:

- (i) One (1) permanent price sign per street frontage. Such sign shall not exceed sixteen (16) square feet in size and shall not identify more than three (3) products. Such sign shall be setback from the right-of-way a minimum of ten (10) feet and shall be no closer than thirty (30) feet from any street intersection.
- (ii) Two (2) nonilluminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred-sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street.
- (iii) Federal and State stamps, octane ratings, pump use directions, prices, and no smoking signs as required by Federal, State, and local authorities. Such signs shall be located on the body of the pump.

- (g) This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:
 - (i) In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.
 - (ii) Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of sixty (60) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).
- (h) Signs may be illuminated subject to the standards as specified above, in Subsection 4076, (1), (f).
- (i) Signs may be illuminated subject to the following standards:
 - (i) Exposed bulbs or luminous tubes are prohibited.
 - (ii) No sign shall change color or intensity.
 - (iii) In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned residential.
 - (iv) The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

(2) Industrial District Signs

Within M-1 and M-2, Districts, the following standards for signs shall apply:

- (a) Accessory business and civic signs are permitted as follows:
 - (i) A use on a lot shall be permitted to have one (1) ground or pole sign per street frontage. The maximum display surface area shall be fifty (50) square feet. The maximum display surface area for all signs on the same lot shall be one hundred (100) square feet.
 - (ii) The maximum height shall be twenty-five (25) feet for a pole sign and six (6) feet for a ground sign or monument sign except where the ground is artificially raised by means of a berm.
 - (iii) Pole signs shall be setback from the public right-of-way a minimum of twenty-five (25) feet, with ground or monument signs setback five (5) feet.

- (iv) In addition to the signage permitted above, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained above, in Subsection 4.076, (1), (c).

4.077 Temporary Sign Provisions

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

(1) General Requirements

- (a) All temporary signs are required to have the location of the signs approved by the enforcing officer prior to the placement of the sign.
- (b) Banners may be used as temporary signs.
- (c) All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- (d) No temporary sign shall be displayed on a roof.
- (e) No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the general public.
- (f) Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to three (3) items of information.

(2) Display Surface Area, Height, and Illumination

- (a) Maximum display surface area shall be thirty-two (32) square feet except for street banners, which shall not be limited.
- (b) Maximum height shall be five (5)^{*} feet, except for banners over a public street, which shall have a minimum clearance of fifteen (15) feet over the street.
- (c) Temporary signs shall not be illuminated.

(3) Location of Temporary Signs

- (a) All temporary signs shall setback a minimum of eight (8) feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic except banners shall overhang or encroach on any street right-of-way at any time.

- (b) The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.
- (c) No temporary sign shall be closer than twenty-five (25) feet to any permanent sign.

4.078 Nonconforming and Noncomplying Sign Provisions

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions.

(1) Removal of Temporary Nonconforming Signs

Nonconforming portable and hand-tacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.

(2) Alterations to Nonconforming and Noncomplying Signs

A nonconforming or noncomplying sign may be altered subject to the following conditions.

- (a) The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.
- (b) The total copy of an advertising sign may be changed in accordance with normal business practices.
- (c) The proposed alteration conforms to the provisions of this ordinance.
- (d) No new nonconformance or noncompliance is created.

(3) Damage or Destruction of Nonconforming and Noncomplying Signs

When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this ordinance.

Except that any advertising sign located within six hundred-sixty (660) feet, of a Federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law.

4.080 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Storage between the road and street and such fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.

E. Off-Street Parking

As regulated in Article IV, Section 4.010.

F. Ingress and Egress

The number of vehicular access driveways permitted on any single street frontage shall be limited to:

- 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
- 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.

G. Application for Automobile Wrecking, Junk, or Salvage Yard Permit:

No person shall establish or expand an automobile wrecking, junk, or salvage yard within Chapel Hill until the Board of Zoning Appeals has granted approval for such establishment or expansion. An application shall be filed in accordance with Article VII, Section 7.060, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Such application shall be submitted along with any plans and schedules. The Board of Zoning Appeals shall vote to approve or disapprove the application in accordance with the time schedule in Section 7.060.

- H. The operation and location of such facility shall not have an adverse effect on the properties in the surrounding area, nor produce damaging pollution to surrounding streams or water sources.

4.090 DEVELOPMENT STANDARDS FOR CEMETERIES

- A. The following standards shall be imposed upon the development and construction of cemeteries for the interment of humans in Town of Chapel Hill:

- 1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a public thoroughfare.
- 2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
- 3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
- 4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
- 5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

- B. The following standards shall be imposed upon the development and constructions of cemeteries for the internment of animals in the Town of Chapel Hill:

- 1. The site shall have direct access to a public thoroughfare.
- 2. Any new pet cemetery shall be located on a site containing not less than 1.5 acres.
- 3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
- 4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
- 5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations

4.100 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS

Standards for Telephone, Telegraph and Communications Transmitter Stations and Towers. All transmitter stations, including towers and operating equipment shall adhere to the following standards:

- A. All towers with a height of one hundred-fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Chapel Hill, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- B. A site plan in compliance with Article III, Section 3.120 and Article VII, Section 7.030, shall be approved by the Planning Commission prior to the issuance of a building permit.
- C. All towers shall be set back from all property lines by a distance that is equal to:
 - 1. for a guyed tower, twenty (20) percent of the height, and
 - 2. for self-supporting tower, fifty (50) percent of the height.
- D. All applications for permits to build towers in Chapel Hill must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as required Federal Communications Commission permit information.
- E. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
- F. Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening, and it shall be of such plant material as will provide a year evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.

- G. All towers that require marking of lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light, unless required by the Federal Aviation Administration.

4.110 * FLOOD DAMAGE PREVENTION REQUIREMENTS

Areas lying outside the Floodway Districts, but within the land subject to flooding, as defined in Article II, Section 2.020, shall be subject to these regulations and the most current *Chapel Hill Municipal Flood Damage Prevention Ordinance*.

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of District
- 5.020 Zoning Map
- 5.030 Zoning District Boundaries
- 5.040 Zoning of Annexed Territories
- 5.050 Specific District Regulations
- 5.060 Permitted Use Table

5.010 CLASSIFICATION OF DISTRICT

A. Regular Districts

For the purpose of this ordinance, the following zoning districts are hereby established in Chapel Hill, Tennessee:

<u>Zoning District</u>	<u>District Abbreviation</u>
Low Density Residential	R-1
Medium Density Residential	R-2
Cluster Residential Development	R-3
Mobile Home Park	MHP
Neighborhood Shopping	B-1
Intermediate Business	B-2
Central Business	B-3
Industrial	M-1
Special Industrial	M-2

B. Special Districts

The following are hereby established as special districts subject to further provisions as set forth in this ordinance:

Floodway	FW
Lot Line Development Overlays	ZLDO (Added by Ordinance 08-03, May 12, 2008)

5.020 ZONING MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map designated as the Official Zoning Map of Chapel Hill, Tennessee. The zoning map and any amendments thereto shall be dated with the date of the ordinance of

adoption. Certified prints of the adopted zoning map and zoning map amendments shall be maintained the Chapel Hill Town Hall and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

Unless, otherwise, indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the town boundary lines as they exist at the date of the enactment of the zoning ordinance. Questions concerning the exact location of district boundaries shall be determined by the Chapel Hill Board of Zoning Appeals

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restrictive district, the regulations relative to that district may extend as well to such portion of the lot as is not more than twenty (20) feet within the more restrictive district.

5.040 ZONING OF ANNEXED TERRITORIES

Upon the effective date of annexation, all territory which may be annexed to the Town of Chapel Hill shall be zoned "Low Density Residential, R-1" or as otherwise specified in the annexation and zoning ordinance.

5.050 SPECIFIC DISTRICT REGULATIONS

The regulations that follow in Article V, Section 5.051 through 5.055, shall apply to the nine (9) zoning districts established in Article V, Section 5.010, of this ordinance. Article II, Section 2.020, shall be referred to in ordinance to define the various uses permitted in the following district regulations.

The following regulations shall apply in the agricultural and residential zoning districts established in Article V, Section 5.040, of this ordinance.

5.051 Residential Districts

The residential districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. The general goals of include, among others, the following specific purposes:

- (1) To provide sufficient space in appropriate locations for residential development to meet the housing needs of the town's present and expected development, with due allowance for the need for a choice of sites and building types;
- (2) To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
- (3) To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces;
- (4) To require the provision of open space and a maximum conservation of the natural spaces in residential areas, and to encourage the provision of additional open spaces by permitting planned development of moderately

higher density and intensity coverage with concomitantly higher standards of open space, in order to provide large open areas with greater utility for rest and recreation; and to encourage of architectural diversity within the town;

- (5) To provide for access of light and air to windows and for privacy controls over the spacing and height of buildings and other structures;
- (6) To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
- (7) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its particular suitability for particular uses, to conserve the value of land and buildings, and to protect the town's tax revenue.

5.051.1 R-1, Low Density Residential

(a) District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, this district will consist of single-family detached dwellings and such other structures as are accessory thereto. This district also includes community facilities, public utilities, and open uses which serve specifically the residents of the district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except those special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics of they otherwise conform to the provisions of this ordinance.

(b) Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060 (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted; or uses not permitted upon approval as a special exception.

(d) Dimensional Requirements

(i) Minimum Lot Size

Area with sewer	10,000 square feet
Area without sewer	15,000 square feet

Minimum Lot Width at Building Line 75 feet

(ii) Minimum Yards Requirements

Front Yard	40 feet
Rear Yard	30 feet
Side Yard	15 feet

(iii) Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed twenty-five (25) percent of the total area of such lot or parcel.

(iv) Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.

(v) Parking Space and Loading Requirements

As regulated in Article IV, Sections 4.010 and 4.020.

5.051.2 R-2, Medium Density Residential

(a) District Description:

This district is designed to provide suitable areas for medium density residential development where urban services and facilities, including public sewer, are provided or where the extension of such services and facilities will be physically and economically facilitated.

Most generally, this district will be characterized by a mix of single-family detached, structures accessory thereto, as well as multi-family dwellings. Any multi-family dwellings are subject to the approval of the Planning Commission, provided there is sufficient area of lot, open space relative to the number of dwelling units thereon, and community facilities necessary to service (and do service specifically) the residents of the districts, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except those special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

(b) Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060 (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted; or uses not permitted upon approval as a special exception.

(d) Dimensional Requirements

(i) Minimum Lot Size

Single-Family Detached	10,000 square feet
Duplex and Multi-Family	10,000 square feet plus 5,000 square feet per additional family

Minimum Lot Width at Building Line 75 feet

(ii) Minimum Yards Requirements

Front Yard	35 feet
Rear Yard	25 feet
Side Yard	10 feet
Front Yard at Cul-De-Sac	30 feet

(iii) Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed twenty-five (25) percent of the total area of such lot or parcel.

(iv) Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.

(v) Parking Space and Loading Requirements

As regulated in Article IV, Sections 4.010 and 4.020.

5.051.3 R-3, Cluster Residential Development

(a) District Description

This district is designed to provide suitable areas for high density residential development where urban services and facilities, including public sewer, are provided or where the extension of such services and facilities will be available prior to development.

Most generally, this district will be characterized by large scale residential developments, each containing a mix of housing types. It is not the intent of this ordinance to restrict in number the dwelling units contained in cluster developments, provided there is sufficient area of lot, open space relative to the number of dwelling units thereon, and community facilities necessary to service (and do service specifically) the residents of the districts, or which are benefited by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except those special exception uses and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics of they otherwise conform to the provisions of this ordinance.

The following regulations shall apply to all cluster residential development:

(i) Initial Sketch Plan and Consultation with Staff

- a) Before preparing a formal proposal for cluster residential development, the applicant shall submit three (3) copies of a sketch plan of the proposed development to the Commission as a basis for reaching general agreement on major aspects of the project. The sketch shall show the following:
 - i) Boundaries of the site
 - ii) Number and building types of dwelling units
 - iii) Arrangements of streets, buildings, and lots
 - iv) Access to existing streets
 - v) Open space tracts and prospective uses on thereon
 - vi) Location and size of water and sewer lines.
- b) Proposals for cluster residential development shall be subject to the *Subdivision Regulations of Chapel Hill, Tennessee*; shall be prepared and reviewed under the plat approval procedure; and shall be in accordance with the provisions of this section.
- c) This section is applicable to residential buildings.
- d) Maximum buildable acreage shall consist of seventy-five (75) percent of the total residentially zoned acreage available with at least twenty-five (25) percent left in open space.
- e) More extensive buffering shall be required for all boundaries of the site, as specified in Article III, Section 3.110.

f) Plans for improvements, maintenance, and restrictive covenants for the cluster residential development must be approved by the Planning Commission. Control of such improvements, maintenance, and restrictive covenants may be by a Homeowners' Association, Architectural Control Committees, or other legal entities.

(b) Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060 (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted; or uses not permitted upon approval as a special exception.

(d) Dimensional Requirements

(i) Minimum Lot Size

Single-Family Detached	7,500 square feet
Duplex and Multi-Family	7,500 square feet plus 3,500 square feet per additional family

<u>Minimum Lot Width at Building Line</u>	75 feet for all housing types
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(ii) Minimum Yards Requirements

Front Yard	30 feet
Rear Yard	20 feet
Side Yard	10 feet
Front Yard at Cul-De-Sac	25 feet

(iii) Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed thirty (30) percent of the total area of such lot or parcel.

(iv) Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.

(v) Parking Space and Loading Requirements

As regulated in Article IV, Sections 4.010 and 4.020.

5.051.4 MHP, Mobile Home Park District

The purpose of this district and the regulations and standards herein are to establish a zoning category that will permit mobile homes to be located in mobile home parks and to ensure that mobile home parks develop in locations in accordance with specified design criteria to assure harmonious development both within the mobile home park and with the areas surrounding such development. No single-wide mobile home may be located except in a mobile home park approved for mobile homes.

(a) Mobile Home Park Building Permit

- (i) The application for a "mobile home park permit" shall be filed with the Building Inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the building inspector. The mobile home park building permit may be issued only upon approval of the special exception by the Chapel Hill Board of Zoning Appeals. The Board shall act upon an application for a permit after receipt of a report from the Chapel Hill Municipal Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

(ii) Site Plan Required

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of Appeals of a site development plan containing the following information.

- a) The name and address of the applicant.
- b) The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c) The location, size, and number of all mobile home spaces.
- d) The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- e) The proposed use of buildings shown on the site plan.
- f) The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g) The location and number of all off-street parking facilities.
- h) The location of park and recreation areas.

- i) A complete drainage plan with contour lines at five (5) foot intervals.
- j) A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- k) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- l) Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Inspector, The Planning Commission, and the Board of Zoning Appeals to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

(iii) Inspection Fee

An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

- a) The inspection fee shall be ten dollars (\$10.00) per year, plus two dollars (\$2.00) per space. The fee is nonrefundable.
- b) The inspection fee shall be paid annually upon inspection of the mobile home park by the building inspector.

(b) Development Standards

(i) General

- a) No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- b) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

(ii) Minimum Development Size

- a) No mobile home park shall be approved which contains less than two (2) acres in area or has less than ten (10) mobile home spaces.
- b) From the gross acreage located within the site of the mobile home park, the following shall be subtracted to obtain the net acreage:
 - i) Any portion of the site lying within a FW, Floodway District, sink holes and other extremely low lying areas, and any other areas overly subject to being covered by water.
 - ii) Any portion of the site exceeding fifteen (15) percent in slope.
 - iii) Ten (10) percent of site for street usage.

(iii) Dimensional Requirements for Parks

- a) Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to such use.
 - i) Minimum front yard abutting a public arterial street shall be fifty (50) feet.
 - ii) Minimum front yard abutting a public collector street shall be thirty-five (35) feet.
- b) Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards from each mobile home space from the parcel boundary.
- c) In instances where a side or rear yard abuts a public street, such yard shall not be less than thirty (30) yards.
- d) No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- e) Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

(iv) Spacing of Mobile Homes and Site Coverage

- a) Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- b) There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access streets.
- c) Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

(v) The Mobile Home Lot

a) General

- i) The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.
- ii) The minimum length of each mobile home space shall be one hundred (100) feet.
- iii) The minimum width of each mobile home space shall be fifty (50) feet.
- iv) The minimum depth yards on a mobile home space shall be ten (10) feet.
- v) No mobile home shall be closer than twenty (20) feet from any building within the mobile home park.
- vi) There shall be at least two (2) off-street parking spaces from each mobile home space, at least one of which shall be on the same site as the dwelling served. Under no circumstances shall any parking space be located more than sixty (60) feet from the mobile home it serves. All such parking spaces shall be at a minimum nine feet by eighteen feet (9 x 18) in size.
- vii) The minimum access aisle in any parking lot shall not be less than twenty-two (22) feet

b) Mobile Home Stands

The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of "ANSI A225.1 NFPA 501A Manufactured Home Installations, 1982".

c) Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

d) Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

(vi) Utilities and Other Services

a) An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.

b) Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Marshall County Health Department and the Board of Zoning Appeals.

c) Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.

d) Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.

e) Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.

- f) Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.
- g) All electrical, telephone and other lines are required to be located underground. Each mobile home park will be required to have street lights on all internal streets.

(vii) Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

a) Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b) Pavement Widths

Pavement widths shall be as follows:

Collector Street	
with No Parking	20 feet
with on-Street Parking	36 feet
Minor Street	
with No Parking	18 feet
with on-Street Parking	34 feet
One-Way Minor Street	
with No Parking	12 feet
with on-Street Parking	28 feet

c) Construction

The internal streets and drives shall be paved in accordance with town road standards.

d) Dust Control (Added by Ordinance 07-10, November 13, 2007)

All off-street parking shall be surfaced with asphalt, concrete, or other dustless material to prevent the release of dust.

(viii) Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

(ix) Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

(x) Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than twenty-five (25) feet in width, except that a minimum buffer area from any public street shall be no less than thirty (30) feet.

Within the landscaped buffer, a continuous fence six to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park and must be set back from the right-of-way of the public road a minimum of fifteen (15) feet.

(xi) Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

(c) Responsibility of Park Management

- (i) The permittee shall operate the mobile home park in compliance with this ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (ii) The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- (iii) The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the Building Inspector which includes securing its stability to anchor pins and installing all utility connections.
- (iv) The permittee shall maintain a register containing the following information:
 - a) The name and address of each mobile home occupant.
 - b) The name and address of the owner of each mobile home and motor vehicle by which it was towed.
 - c) The make, model, year, and license number of each mobile home and motor vehicle.
 - d) The date of arrival and of departure of each mobile home.
- (v) The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
- (vi) The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- (vii) The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- (viii) The permit to operate shall be conspicuously posted in the mobile home park office at all times.
- (ix) The permittee shall be answerable for the violation of any provision of this section.

(d) Responsibilities of Park Occupants

- (i) The park occupants shall comply with all applicable requirements of this ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- (ii) The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
- (iii) Skirting, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
 - **The storage area shall be provided with a base of impervious material.**
 - **Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.**
 - **The storage area shall be enclosed by skirting.**
- (iv) The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
- (v) Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
- (vi) All park occupants shall be required to register their pets (dogs and cats) with the park management.
- (vii) All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
- (viii) Park occupants shall not be allowed to construct or place pens for animals on the park premises.
- (ix) No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

(e) Inspections

- (i) The Building Inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

(ii) The Building Inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

(iii) Penalties

a) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.

b) Each day that a violation is permitted to exist shall constitute a separate offense.

c) Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

(f) Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

(g) Prohibited Structures

(i) Cabanas, travel trailers, and other similarly enclosed structures are prohibited.

(ii) Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.

(iii) Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

5.051.5 ZLDO, Zero Lot Line Developments

(a) Purpose

The zero lot line residential development overlay is designed to provide a more affordable housing ownership opportunity for a wide range of income groups while assuring compatibility with, and maintaining the stability and quality of, existing neighborhoods; to provide the opportunity for lower development costs and lower per-unit land costs that subsequently lower the cost of housing for the consumer; to provide an economical and logical response to high-cost infill properties; to promote more efficient utilization of the land; and to promote energy conservation.

(d) Development Standards

- (i) Setbacks of zero (0) feet are permitted only where the lots on both sides of the affected lot line are part of a zero side setback development.
- (ii) A wall and roof maintenance easement five (5) feet along one story walls, ten (10) feet along two-story walls shall be provided on the opposite side of the zero (0) setback lot line.
- (iii) Every lot shall provide one (1) side setback of at least twice the minimum side setback of the zero setback lot line.
- (iv) All parts of the structure including foundation and roof overhangs must be located on one (1) lot with no encroachment on an adjoining lot.

(e) Dwelling Footprint Shown

The preliminary plat shall indicate the proposed single family dwelling footprint on each lot to show which side lot line will have zero (0) side setback and to show that all other required setback and maintenance easements are provided.

(f) Relationship to Base Zoning:

With exception of the above mentioned items, zero lot line developments shall comply with all applicable zoning provisions of their base residential districts for the Town of Chapel Hill.

5.052.1 B-1, Neighborhood Shopping District

(a) District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those that are visited frequently by customers. The uses allowed in this district are small scale and distributed widely for ease of accessibility by all residents of the town. To aid in the ease of accessibility, allowed uses should adjoin collector or arterial streets.

Bulk regulations are established within these districts to provide for maximum compatibility between the commercial activity in this district and the adjacent residential activity; and to lessen the concentration of vehicular traffic as compared to other commercial districts established to provide goods and services for a more extensive marketing area.

(b) Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060 (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted; or uses not permitted upon approval as a special exception.

(d) Dimensional Requirements

(i) Minimum Lot Size

The minimum lot size in the B-1 District shall be 45,000 square feet.
(Amended by Ordinance 07-10, November 13, 2007)

(ii) Minimum Yards Requirements

Front Yard	25 feet
Rear Yard	20 feet
Side Yard	10 feet

(iii) Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed sixty (60) percent of the total area of such lot or parcel.

(iv) Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.

(v) Parking Space and Loading Requirements

As regulated in Article IV, Sections 4.010 and 4.020.

5.052.2 B-2, Intermediate Business District

(a) District Description

This district is designed to provide adequate space in appropriate locations for uses that serve the needs of the larger geographical market of Chapel Hill and its surrounding environs. This district is established for the higher intensity commercial uses. Commercial trade and for-profit services are the primary uses that characterize this district; however, community facilities and utilities necessary to serve these districts, or those which are necessary for the general public welfare are also permitted.

Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or buildings in adjacent residential districts. Appropriate locations for this district are along major traffic arteries.

(b) Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060 (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted; or uses not permitted upon approval as a special exception.

(d) Dimensional Requirements

All uses permitted in the B-2, Intermediate Business District, shall comply with the following requirements. Additionally, all structures built in this zoning district shall be required to submit a site plan, as specified in Article VIII, Section 8.030.

(i) Minimum Lot Size

None

(ii) Minimum Yards Requirements

Front Yard	20 feet
Rear Yard	20 feet
Side Yard	None
if use abuts residential use	15 feet

(iii) Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, may not exceed seventy (70) percent of the total area of such lot or parcel.

(iv) Height Requirement

No building shall exceed thirty-five (35) feet in height, except as provided in Article VI, Section 6.050.

(v) Parking Space and Loading Requirements

As regulated in Article IV, Sections 4.010 and 4.020.

(vi) Dust Control (Added by Ordinance 07-10, November 13, 2007)

All off-street parking shall be surfaced with asphalt, concrete, or other dustless material to prevent the release of dust.

5.052.3 B-3, Central Business District

(a) District Description

This district is designated to provide a wide range of retail, office, amusement, and service uses involving in-fill development of the business core of Chapel Hill. In addition, this district provides for governmental uses, and community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relative high density and intensity of use is permitted in this district.

(b) Uses Permitted

The uses permitted in this district and the special exceptions that may be allowed in this district are listed in Article V, Section 5.060 (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted; or uses not permitted upon approval as a special exception.

(d) Dimensional Requirements

(i) Minimum Lot Size

None

(ii) Minimum Yards Requirements

Front Yard	None
Rear Yard	None
Side Yard	None

If an open area extends along a side lot, it shall be at least ten (10) feet wide and unobstructed.

(iii) Maximum Lot Coverage (Deleted and Replaced by Ordinance 07-10, November 13, 2007)

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the B-3 District.

(iv) Height Requirement

No building shall exceed seventy-five (75) feet in height, except as provided in Article VI, Section 6.050.

(v) Parking Space and Loading Requirements

As determined by the Planning Commission during site plan review.

5.053 Industrial Districts

The Industrial Districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the area of Chapel Hill's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
- (2) To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provided that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
- (3) To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- (4) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
- (5) To protect industrial activities and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
- (6) To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Chapel Hill area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Chapel Hill's tax revenues.

5.053.1 M-1, Light Industrial District:

(a) District Description:

This district is primarily designed to accommodate the existing industrial area within the community that is relatively limited in their amount of developable acreage, due to the pre-existing layout of streets and blocks within such areas. The M-1 District is designed for a wide range of industrial and related uses which conform to a high level of performance standards. Industrial establishments of this type, within completely enclosed buildings, provide a buffer between Commercial Districts and other industrial uses which involve more objectionable nuisances. New residential development is excluded from this district, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development. Community facilities which provide needed services to industrial development are permitted.

(b) Uses Permitted.

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in Article V, Section 5.060. (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

(d) Dimensional Regulations

All uses permitted in the M-1, Light Industrial District shall comply with the following requirements except as provided in Article VI.

(i) Minimum Lot Size: No minimum lot size is required in the I-1 District.

(ii) Minimum Yard Requirements:

Front Yard	20 feet
Side Yard	10 feet
Rear Yard	20 feet

(iii) Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed seventy (70) percent of the total lot area of such lot or parcel.

(iv) Height Restrictions: No building shall exceed seventy-five (75) feet in height.

(v) Parking Space and Loading Requirements: As regulated in Article IV, Sections 4.010 and 4.020.

(vi) Dust Control (Added by Ordinance 07-10, November 13, 2007)

All off-street parking shall be surfaced with asphalt, concrete, or other dustless material to prevent the release of dust.

5.053.2 M-2, Special Industrial District

(a) District Description

The M-2, Special Industrial District is intended to provide suitable areas for intense or potentially noxious industrial and scrap operations, including open land operations. Secondly, to protect these industrial lands from encroachment by other uses.

(b) Uses Permitted

The uses permitted in this district, the special exceptions that may be allowed in this district and the uses for which site plan review and approval are required are listed in Article V, Section 5.060 (Permitted Use Table).

(c) Uses Prohibited

Uses not specifically permitted or uses not permitted upon approval as a special exception.

(d) Dimensional Regulations:

(i) Minimum Lot Area

The minimum lot area shall be three (3) acres.

(ii) Yard Requirements

Due to the potentially noxious activities which may be permitted within the M-2 Districts, special yard provisions are required.

In its review of any application for approval of an extensive manufacturing activity proposed for location within a M-2 District, the Planning Commission shall establish yards and building separations sufficient to protect the health, safety and economic benefit of persons owning or occupying nearby property. As an absolute minimum such yards shall be as indicated below.

a) Use Adjoins Residential Property

Along any rear or side lot line which adjoins residential property, whether such property is presently occupied for residential purposes or only zoned for such use, an open area unobstructed from the ground to the sky at least one hundred fifty (150) feet wide shall be provided within the industrial district. Such open area shall not be used for off-street loading, or storage or processing of any kind.

b) Use Adjoins Commercial or Industrial Property

Along any lot line which adjoins property, either classified or presently utilized for commercial or industrial purposes, an open area at least one hundred (100) feet wide shall be provided. Such area may be utilized for off-street parking or loading, but shall not be used for storage or processing of any kind.

c) Maximum Lot Coverage

On any lot or parcel of land, the area occupied by all buildings including accessory building may not exceed seventy (70) percent of the total area of such lot or parcel.

d) Height Requirements

No building shall exceed seventy-five (75) feet in height, except as provided in Article VI, Section 6.050.

e) Parking Space and Loading Requirements

As regulated in Article IV, Sections 4.010 and 4.020.

f) Dust Control (Added by Ordinance 07-10, November 13, 2007)

All off-street parking shall be surfaced with asphalt, concrete, or other dustless material to prevent the release of dust.

5.060 PERMITTED USE TABLE

The Permitted Use Table illustrates the permissible land-uses within each of the zoning districts created by the Board of Mayor and Alderman to "promote the public health, safety, morals, convenience, order, prosperity, and general welfare" of the Town of Chapel Hill (*Tennessee Code, Section 13-7-201*). The Town of Chapel Hill, as specified in the *Zoning Ordinance of Chapel Hill*, allows for ten (10) different zoning districts within the corporate limits of the town. The zoning districts are separated into three (3) different land-use classifications: residential, business, industrial, and special. Within the three (3) broad land-use classifications, the districts are as follows:

TABLE
PERMITTED USE

Residential	Business	Industrial	Special
R-1, Low Density Residential	B-1, Neighborhood Shopping	M-1, Industrial	FW, Floodway
R-2, Medium Density Residential	B-2, Intermediate Business	M-2, Special Industrial	
R-3, Cluster Residential Developments	B-3, Central Business		
MHP, Mobile Home Park			

The Permitted Use Table contains groupings of land-uses along with the different zoning districts allowed by the Town of Chapel Hill.

If a 'P' is listed under the zoning district, the land-use is permitted by right.

If an 'S' is listed under the zoning district, the land-use is a special exception and requires the approval of the Town of Chapel Hill Board of Zoning Appeals.

If neither a 'P' or an 'S' is listed, the land-use is prohibited within that zoning district.

PERMITTED USE TABLE

LAND USE	ZONING DISTRICT								
	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
RESIDENTIAL ACTIVITIES									
<u>Permanent Residential</u>									
Dwelling, Single-Family Detached	P	P	P						
Dwelling, Duplex		P	P						
Dwelling, Mobile Home		P							P
Dwelling, Multi-Family (apartment, townhouse)		P	P						
Mobile Home Park									P
<u>Semi-Permanent Residential</u>									
Bed and Breakfast	S	P	S						
Boarding House		S							
Rooming House		S							
FW, Floodway									
COMMUNITY FACILITY ACTIVITIES									
<u>Administrative Services</u>									
City, County, State, and Federal Offices				P	P	P			
Civil Defense Facilities					P	P			
Court Buildings					P	P			
Fire Department Facilities					P	P			
Police Department Facilities					P	P			
Post Offices				S	P	P			
<u>Community Assembly</u>									
Civic, Social, Fraternal, and Philanthropic Associations				S	P				
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers				S	P				
Temporary Nonprofit Festivals					P				
<u>Community Education</u>									
Public and Private Nursery Schools			S	P	P				
Kindergarten, Primary and Secondary Schools	S	S	S	P	P				

P- Permitted
 S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Cultural and Recreational Services									
Libraries	S	P	S	P	P	P			
Museums			S	P	P				
Parks, Playgrounds, and Playfields	S	P	P	P	P	P			
Recreational Centers and Gymnasiums	S	P	S		P				
Swimming Pools and Beaches	S	S	S		P				
Essential Services									
Electrical and Gas Substations	S	S	S	S	P	S	P	S	S
Electrical, Gas, Water, and Sewer Distribution and Collection Lines	P	P	P	P	P	P	P	P	P
Pumping Facilities for Water and Sewer Systems	P	P	P	P	P	P	P	P	P
Rights-of-Way for Transportation Modes				P	P	S			
Telephone Switching Facilities									
Extensive Impact Facilities									
Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices							S	P	
Correction and Detention Institutions							S	S	
Electricity Generating Facilities and Transmission Lines							P	P	
Garbage Incineration Plants, Including Cogeneration Facilities; Sanitary Landfills							S	S	
Major Fuel Transmission Lines and Facilities							S	S	
Major Mail Processing Centers							S	S	
Public and Private Utility Corporations and Truck Yards, Including Storage Yards							P	P	
Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards							P	P	
Health Care Facilities									
Centers for Observation or Rehabilitation					P	S	P		
Convalescent Homes					P		P		
Hospitals					P		P		
Medical Clinics			S	P	P	S	P		

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Intermediate Impact Facilities									
Cemeteries, Columbariums, and Mausoleums					P		P	P	
Colleges, Junior Colleges, and Universities, but, Excluding Profit-Making Business Schools					P		P		
Commercial Boat Docks, Marinas, and Yacht Clubs			S		P				
Golf Courses	S	S	S						
Water Storage Facilities, Water and Sewage Treatment Plants									
Radio and TV Transmission Facilities									
Country Clubs			S						
Personal and Group Care Facilities									
Associations for Physically or Mentally Handicapped Persons					P				
Child Care Centers					P	S			
Group Day Care Home					P				
Child Day Care Home		S	S	S	P				
Adult Day Care Center					P				
Group Homes for Physically or Mentally Handicapped Persons					P				
Nursing Homes					P		P		
Retirement or Rest Homes					P		P		
Orphanages					P		P		
Religious Facilities									
Chapels		S	S	P	P	S			
Churches		S	S	P	P	S			
Convents or Monasteries		S	S		P	S			
Sanctuaries		S	S	P	P	S			
Synagogues		S	S	P	P	S			
Temples		S	S	P	P	S			
COMMERCIAL ACTIVITIES									
Animal Care and Veterinarian Services									
Veterinarian Clinics and Kennels					P	S			

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Automotive Parking									
Auto Parking Lots					P				
Parking Garages					P				
Automotive Services and Repair									
Auto Cleaning and Repair Services				P	P				
Auto Glass Repair and Replacement Shops				P	P				
Auto Inspection and Diagnostic Services				P	P				
Auto Paint Shops				P	P				
Auto Towing Services				P	P				
Car Washes				P	P				
Gasoline, Fuel, and Oil Sales and Service				P	P				
Radiator and Muffler Shops				P	P				
Tire Retreading and Repair Shops				P	P				
Wheel Alignment and Transmission Repair Shops				P	P				
Building Materials and Farm Equipment									
Farm Equipment and Supplies				S	P				
Feed Milling and Sales					P				
Heating, Plumbing, and Electrical Supplies				S	P	P			
Lumber and other Building Material Dealers				S	P				
Retail Nurseries, Lawn and Garden Supply Stores				S	P				
Seed Storage and Sales				S	P				
Consumer Repair Services									
Blacksmith Shops				P	P	P			
Electrical Repair Shops				P	P	P			
Gunsmith Shops				P	P	P			
Instrument Repair Shops				P	P	P			
Locksmith Shops				P	P	P			
Office Equipment Cleaning and Repair				P	P	P			
Re-upholstery and Furniture Repair				P	P	P			
Saddlery Repair Shops				P	P	P			
Watch, Clock, and Jewelry Repair				P	P	P			
Lawn Mower Repair Shop				P	P	P			

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Construction Sales and Services									
Builder's Hardware					P				
Carpentering Contractors					P				
Concrete Contractors					P				
Excavation Contractors					P				
General Building Contractors					P				
Glazing Contractors					P				
Highway and Street Construction Contractors					P				
Masonry, Stonework, Tile Setting, and Painting, Paper Hanging, and Decorating Services					P				
Plumbing, Heating, and Electrical Contractors					P				
Roofing and Sheet Metal Contractors					P				
Convenience Commercial									
Barber Shops				P	P	P			
Beauty Shops				P	P	P			
Drug Stores				P	P	P			
Fruit and Vegetable Markets				P	P	P			
Grocery Stores				P	P	P			
Hardware Store (No Outside Storage)				P	P	P			
Laundry and Dry Cleaning Pick-up Stations				P	P	P			
Liquor Stores				S	P	P			
News Stands				P	P	P			
Self-Service Gasoline Pumps				P	P	P			
Tobacco Shops				P	P	P			
Entertainment and Amusement Services									
Art Galleries (Commercial)				S	P	P			
Batting and Golf Driving Ranges					P				
Bowling Alleys and Billiard Parlors				S	P	S			
Coin Operated Amusement Arcades					P	S			
Dance Halls and Studios					P				
Exhibition Halls and Auditoriums					P				
Recording and TV Production Services					P				
Skating Rinks					P				
Theaters				S	P	S			
Theatrical Producers, Bands, Orchestras,					P	S			

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Financial, Consulting, and Administrative Services									
Agricultural Credit Institution				P	P	P			
Banking and Bank-Related Functions			S	P	P	P			
Credit Unions			S	P	P	P			
Holding and Investment Organizations				P	P	P			
Insurance Carriers, Agents, Brokers, and Service				P	P	P			
Money Management and Investment Offices				P	P	P			
Real Estate Brokers, Managers and Appraisers				P	P	P			
Rediscount and Financing Institutions for Savings and Loan Associations				P	P	P			
Securities Commodities, Brokers, Dealers, and Title Offices				P	P	P			
Food and Beverage Service									
Restaurants					P	S			
Taverns					P	S			
Food Service Drive-In									
Drive-In Restaurants					P	S			
Fast Food Restaurants with Drive-Thru Service					P	S			
General Business and Communication Services									
Advertising Agencies and Services				P	P	P			
Commercial Cleaning Services					P				
Commercial Testing Laboratories					P		P	P	
Radio and Television Broadcasting Studios					P		P	P	
Telegraph Offices and Message Centers					P		P	P	
Telephone Exchanges and Relay Towers					P		P	P	
Television and Recording Production Studios					P			P	
Computer and Data Processing Services					P	S	P	P	
Credit Reporting, Adjustment, and Collection Agencies				P	P	P	P		
Detective Agencies and Protective Services					P				
Drafting Services				P	P	P			
Employment, Personnel, and Temporary Help Services				P	P	P			
Exterminating Services					P	S	P		

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Interior Decorator and Consulting Services				P	P	P			
Mailing, Reproduction, and Commercial Art Services					P	S			
Management, Consulting, and Membership Organizations					P				
News Syndicates				P	P	P			
Photography Services				P	P	P			
Travel Agencies				P	P	P			
Vehicular and Equipment Rental/Leasing Services					P		P		
General Personal Service									
Catering Services					P	S			
Laundry, Cleaning, and Garment Services				S	P	S			
Photographic Studios				S	P	P			
Shoe Repair and Hat Cleaning Shops				P	P	P			
General Retail Trade									
Antique and Second Hand Merchandise Stores					P				
Automotive Parts (no outside storage)					P				
Book and Stationery Stores				P	P	P			
Camera Stores				P	P	P			
Candy, Nut, and Confectionery Stores				P	P	P			
Children's and Infant's Stores				P	P	P			
Dairy Products Stores				P	P	P			
Department Stores					P	S			
Drapery, Curtain, and Upholstery Stores				P	P	P			
Drug Stores and Proprietary Stores				P	P	P			
Family Clothing Stores					P	S			
Floor Covering Stores					P	S			
Florists				P	P	P			
Fruit Stores and Vegetable Markets				P	P	P			
Furniture Stores					P	S			
Furriers and Fur shops				P	P	P			

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Gift Shops				P	P	P			
Grocery Stores					P	S			
Hardware Stores				S	P	P			
Hobby, Toy, and Game Stores				P	P	P			
Household Appliance Stores					P	S			
Jewelry Stores				P	P	P			
Liquor Stores				S					
Luggage Shops				P	P	P			
Meat and Seafood Markets					P	P			
Men's and Boy's Clothing and Furnishing Stores					P	P			
Direct Selling Organizations					P				
Mail Order Houses					P				
Music Stores				P	P	P			
News Stands				P	P	P			
Radio and Television Stores					P	P			
Retail Bakeries					P	S			
Sewing and Piece Goods Stores				P	P	P			
Shoe Stores				P	P	P			
Sporting Goods Stores				P	P	P			
Variety Stores				P	P	P			
Women's Accessory and Specialty Stores				P	P	P			
Women's Ready-to-Wear Store				P	P	P			
High Impact									
Adult Bookstores								S	
Adult Entertainment								S	
Group Assembly									
Amusement Parks					P				
Commercial Camp Grounds		S	S	P	P				
Commercial Resorts		S	S		P				
Commercial Sports Arenas and Playing Fields		S	S		S		S		
Drag Strips					S		S		
Race Tracks (Auto, Motorcycle, Dog, and Horse)					S		S		

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Medical and Professional Services									
Accounting, Auditing, and Bookkeeping Services				P	P	P			
Artist Studios (excluding commercial artists)				P	P	P			
Attorneys and Law Offices				P	P	P			
Chiropractor Offices				P	P	P			
Consulting Scientists					P				
Dental Offices and Laboratories				P	P	P			
Educational and Scientific Research Services					P				
Engineering and Architectural Services				P	P	P			
Optometrists				P	P	P			
Physicians' Offices and Clinics (out-patient services)				P	P	P			
Physiologists and Psychotherapists				P	P	P			
Songwriters and Music Arrangers				P	P	P			
Community and Urban Planning Services				P	P	P			
Writers and Lecturers				P	P	P			
Transient Habitation									
Bed and Breakfast	S	S	S						
Hotels				P	P				
Motels and Cabins				P	P				
Tourist Courts				P	P				
Transport and Warehousing									
Bus and Truck Maintenance and Repair					S		P		
Food Lockers					S		P		
General Warehousing					S		P		
Household Goods Storage					P		P		
Packing and Creating Services					P		P		
Railroad, Bus, and Transit Terminals					S		P		
Refrigerated Warehousing					S		P		
Truck Terminals Freight Handling Services					S		P		
Undertaking Services									
Funeral Homes				P	P	S			
Crematory Services							S	P	

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
<u>Vehicular, Craft, and Related Equipment</u>									
Boat and Motor Dealers					P				
Mobile Home Dealers					P				
Motor Vehicle Dealers					P				
Motorcycle Dealers					P				
Recreational Vehicle and Utility Trailer Dealers					P				
<u>Wholesale Sales (not including warehouses)</u>									
Apparel, Piece Goods, and Notions							P	P	
Beer, Wine and Distilled Alcoholic Beverages							P	P	
Chemicals and Allied Products							P	P	
Drugs, Drug Proprietors, and Sundries							P	P	
Electrical Goods and Appliances							P	P	
Farm Products Raw Materials							P	P	
Farm Supplies							P	P	
Furniture and Home Furnishings							P	P	
Groceries and Related Products							P	P	
Hardware, Plumbing, and Heating Equipment and Lumber and Other Construction Materials							P	P	
Machinery, Equipment, and Supplies							P	P	
Metals and Minerals							P	P	
Motor Vehicles and Automotive Parts and Supplies							P	P	
Paper and Paper Products							P	P	
Petroleum and Petroleum Products							P	P	
Sporting, Recreational, Photographic, and Hobby Goods							P	P	
Tobacco and Tobacco Products							P	P	
Toys and Supplies							P	P	
MANUFACTURING ACTIVITIES									
<u>Limited Manufacturing Activities</u>									
Apparel and Accessories							P	P	
Art Objects							P	P	
Bakery Goods							P	P	
Beverages (Nonalcoholic)							P	P	
Dairy Products							P	P	
Instruments for Scientific, Medical, Dental Engineering, and Other							P	P	

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
Optical Instruments and Lens							P	P	
Printed Matter							P	P	
Signs							P	P	
Extensive Manufacturing Activities									
Abrasives, Asbestos, and Nonmetallic Mineral Processing								S	
Arsenals								S	
Asphaltic Cement Plants								S	
Atomic Reactors								S	
Automobile Wrecking Yards, Scrap and Waste Materials								S	
Cement and/or Concrete Plants								S	
Chemical Manufacturing in Excess of One (1) Ton Per Day								S	
Cotton Ginning								S	
Cotton Seed Oil								S	
Explosives Manufacturing and Storage								S	
Fat Rendering								S	
Fireworks Manufacturing								S	
Foundries								S	
Grain Milling								S	
Hazardous Wastes Storage and/or Transfer								S	
Junk Yards								S	
Offal Processing								S	
Ore Reduction								S	
Organic Fertilizers								S	
Paper Mills								S	
Petroleum Refining								S	
Pulp Manufacturing								S	
Radioactive Waste Handling								S	
Rolling and Finishing of Ferrous Materials								S	
Slaughtering of Animals								S	
Smelting and Refining of Metals and Alloys								S	
Solid Waste Landfills								S	
Solid Waste Processing and Recycling								S	
Steel Works								S	
Tanning								S	
Waste Incinerators (including Hospital and Medical Waste)								S	

P- Permitted
S- Special Exception

Permitted Use Table
Continued

	R-1	R-2	R-3	B-1	B-2	B-3	M-1	M-2	MHP
AGRICULTURAL, RESOURCES PRODUCTION, AND EXTRACTIVE ACTIVITIES									
<u>Agricultural Services</u>									
Crop Drying, Storage, and Processing								S	
Crop Planting, Cultivating, and Protection Services					P		P		
Horticultural Services					P		P		
Soil Preparation Services							P		
Riding Stables	S								
Livery Stables	S								
<u>Commercial Feed Lots and Stockyards</u>									
Facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.								S	
<u>Mining, Drilling and Quarrying</u>									
Chemical Fertilizer and Nonmetallic Mineral Mining								S	
Clay, Ceramic, and Refractory Minerals								S	
Coal Mining								S	
Crude Petroleum and Natural Gas Production								S	
Metal Ore and Mineral Mining								S	
Sand and Gravel Quarrying								S	
Stone Quarrying								S	
<u>Plant and Forest Nurseries</u>									
Forest Nursery					P		P		
Plant Nursery					P		P		

P- Permitted
S- Special Exception

ARTICLE VI
EXCEPTIONS AND MODIFICATIONS

SECTION

- 6.010 Scope
- 6.020 Nonconforming Uses
- 6.030 Special Provisions Governing Nonconforming Buildings
 Within the Floodway District
- 6.040 Bulk and Lot Size Noncompliance
- 6.050 Exceptions to Height Limitations
- 6.060 Lots of Record

6.010 SCOPE

Article VI, of this ordinance, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Article IV and Article V.

6.020 NONCONFORMING USES

The provisions of this section are applicable to all uses which are not permitted within the districts in which they are located.

A. Continuation of Nonconforming Use

Any nonconforming use which existed at the time of enactment of the first town ordinance and which remains nonconforming, or any use which shall become nonconforming upon enactment of this ordinance, or any subsequent amendments thereto may be continued subject to the provisions contained in this article. Provided, however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this ordinance.

B. Repairs and Alterations

Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

1. Incidental Alterations

Incidental alterations as defined by this ordinance, may be made to a building or other structures occupied by a nonconforming use, or in connection with a permitted change of a nonconforming use.

2. Alterations Other Than Incidental Alterations

No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use, except as provided below or when made:

- a. In order to comply with requirements of law regarding fire protection, safety of the structure, etc., or
- b. In order to conform to the applicable district regulations or performance standards.

3. Alteration of Commercial and Industrial Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use and further provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.

C. Expansion

The nonconforming use of part of a building structure, all or substantially all of which is designed or intended for a use not permitted in the district in which is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made, unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

1. Expansion of Commercial and Industrial Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:

- a. shall result in a change of one nonconforming use to another nonconforming use, unless such change results in a use which is less nonconforming than the previous use;
- b. shall infringe, or increase the extent or any infringement existing at the time or adoption of this ordinance, upon any open space required by this ordinance;
- c. shall take place beyond the zone lot(s) on which said use was operating as of the effective date of this ordinance.

D. Change of Use

For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, be itself, constitute a change of use.

A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

E. Damage or Destruction

In all districts when any building or structure which is substantially occupied by a nonconforming use is damaged or destroyed to the extent of sixty (60) percent of its total floor area, such nonconforming use shall terminate. This provision shall not apply to a nonconforming residential use in a commercial district.

Any commercial or industrial use subject to the provisions of this section shall be allowed to reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding:

1. shall result in a change of one nonconforming use to another nonconforming use;
2. shall infringe upon, or increase the extent of any infringement existing at the time of this ordinance, upon any open space required by this ordinance.
3. shall take only upon the zone lot(s) on which said use was operating as of the effective date of this ordinance.

F. Discontinuance

When a nonconforming use of land with minor improvements or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision. Immediately upon the removal of a nonconforming mobile home from an individual lot or the discontinuance of a nonconforming mobile home park, the nonconformity of the use shall lapse.

6.030 SPECIAL PROVISIONS GOVERNING NONCONFORMING BUILDINGS WITHIN THE FLOODWAY DISTRICT

A. General Provisions

In all districts or portions thereof which extend into the floodway districts as established by Article V, Section 5.054, any building or other structure or use, which is not permitted by the floodway district provisions, shall become nonconforming upon the effective date of this ordinance or subsequent amendments as applicable.

B. Enlargement of Buildings within the Floodway District

A building or other structure which is nonconforming by reason of location within the floodway shall not be enlarged or expanded but may be altered, or repaired as set forth in Article VI, Section 6.020, A, 3, or as may be authorized by the Board of Zoning Appeals in order to incorporate floodproofing measures provided that such alteration will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

C. Special Provisions Governing Reconstruction of Building or Structure Located within the Floodway District

Within the Floodway District, any building or structure in existence prior to the effective date of this ordinance that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met:

1. The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.
2. Nonresidential structures may be reconstructed only if the lowest floor (including the basement) elevation is at least one (1) foot above the level of the 100-year flood, or the structure is flood-proofed (in accordance with the requirements of Article IV, Section 4.110, to a height of at least one (1) foot above the level of the 100-year flood).
3. Residential structures may be reconstructed only if the lowest floor (including the basement) of the structure is elevation to a point at least one (1) foot above the level of the 100-year flood.
4. That no reconstruction or alteration permitted herein under shall result in any increase in the level of the 100-year flood.

6.040 BULK AND LOT SIZE NONCOMPLIANCE

The provisions of this section shall control buildings and other structures, including signs, which do not meet the bulk or any other provisions applicable in the districts in which they are located, except those provisions which pertain to activity or use.

A. Continuation of Use

The use of a noncomplying building or other structure or parcel may be continued, except as, otherwise, provided by this section.

B. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions contained herein.

C. Enlargements of Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance or a building or other structure or parcel of any portion thereof.

D. Damage or Destruction

In all districts, when a noncomplying building or other structure is damaged by any involuntary means to the extent of sixty (60) percent or more of its total floor area, such building or other structure may be reconstructed only in accordance with the applicable bulk regulations and other provisions of this ordinance.

In all districts, when any noncomplying sign is damaged or destroyed to the extent of sixty (60) percent of its depreciated value at the time of destruction or damage then the sign shall be terminated or made to comply with the appropriate district regulations.

6.050 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

6.060 LOTS OF RECORD

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions thereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two (2) or more lots of record with continuous frontage area under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

(ADDED ARTICLE VII, OLD ARTICLE VII BECAME ARTICLE VIII, BY ORDINANCE 07-09, SEPTEMBER 10, 2007)

ARTICLE VII

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

SECTION

- 7.010 Statutory Authorization, Findings of Fact, Purpose Objectives
- 7.020 Definitions
- 7.030 General Provisions
- 7.040 Administration
- 7.050 Provisions for Flood Hazard Reduction
- 7.060 Variance Procedures

7.010 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code, 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 Chapel Hill, Tennessee Mayor and Board of Alderman, does ordain as follows:

B. Findings of Fact

1. The Chapel Hill Mayor and its Legislative Body wishes maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of Chapel Hill 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.
3. These 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.

C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this article are:

1. To protect human life, health and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

7.020 DEFINITIONS

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

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

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

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

"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 firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New Construction".

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

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent 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.)

"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.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one (1) 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.

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

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

"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.

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

"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 permanent storage of equipment or materials.

"Elevated Building" means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, 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.

"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.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

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

"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 National Flood Insurance Program (NFIP).

"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 National Flood Insurance Program (NFIP).

"Existing Structures" see **"Existing Construction"**.

"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).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"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 (1) percent or greater chance of occurrence in any given year.

"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.

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

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

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of "Flood" or "Flooding").

"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.

"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.

"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.

"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.

"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.

"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.

"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.

"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.

"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.

"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.

"Historic Structure" means any structure that is:

- (1) 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;
- (2) 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;
- (3) 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
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior.

"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.

"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.

"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 nonelevation design requirements of this article.

"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"**, unless such transportable structures are placed on a site for one hundred-eighty (180) consecutive days or longer.

"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.

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

"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 article, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which Base Flood Elevations (BFE) shown on a community's Flood Insurance Rate Map are referenced.

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

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this article or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"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 after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

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

"100-Year Flood" see **"Base Flood"**.

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

"Recreational Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"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.

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

"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.

"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.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"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.

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

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) 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; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"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 (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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

"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 article is presumed to be in violation until such time as that documentation is provided.

"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 floodplains of riverine areas.

7.030 **GENERAL PROVISIONS**

A. **Application**

This article shall apply to all areas within the incorporated area of Chapel Hill, Tennessee.

B. **Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Chapel Hill, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) Number 47117CV000B, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47117C0040D, 47117C0045D, 47117C0105D and 47117C0110D, dated, September 28, 2007, along with all supporting technical data, are adopted by reference and declared to be a part of this article.

C. **Requirement for Development Permit**

A development permit shall be required in conformity with this article prior to the commencement of any development activities.

D. **Compliance**

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this article, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this article 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 article 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 article shall not create liability on the part of the Town of Chapel Hill, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this article 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. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Chapel Hill, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

I. Severability (Added by Ordinance 07-13, December 10, 2007)

If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

7.040 ADMINISTRATION

A. Designation of Ordinance Administrator

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this article.

B. 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:

1. Application Stage

- a. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain when applicable under this article. **(Amended by Ordinance 07-13, December 10, 2007)**
- b. Elevation in relation to mean-sea-level to which any nonresidential building will be floodproofed where BFE's are available, or to a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain when applicable under this article. **(amended by Ordinance 07-13, December 10, 2007)**
- c. Design certificate from a registered professional engineer or architect that the proposed nonresidential floodproofed building will meet the floodproofing criteria in Article VII, Section 7.040, Subsection B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Administrator 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 relative to a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain. **(Amended by Ordinance 07-13, December 10, 2007)**

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A Zones, where 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 a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain. **(Amended by Ordinance 07-13, December 10, 2007)**

Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a nonresidential 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 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.

C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this article have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. 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.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean-sea-level or a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain, where applicable, of the lowest floor including basement of all new or substantially improved buildings, in accordance with Article VII, Section 7.040, Subsection B. **(Amended by Ordinance 07-13, December 10, 2007)**
6. Record the actual elevation; in relation to mean-sea-level or a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with Article VII, Section 7.040, Subsection B. **(Amended by Ordinance 07-13, December 10, 2007)**
7. When floodproofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Article VII, Section 7.040, Subsection B.
8. 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 Administrator shall 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 article.

9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall 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 Community FIRM, meet the requirements of this article.

Within unnumbered 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 or floodproofed to a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain. All applicable data including elevations or floodproofing certificates shall be recorded as set forth in Article VII, Section 7.040, B. (~~Deleted and Replaced by Ordinance 07-13, December 10, 2007~~)

10. All records pertaining to the provisions of this article shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this article shall be maintained in a separate file or marked for expedited retrieval within combined files.

7.050 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. 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;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. 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;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. 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;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this article, shall meet the requirements of "new construction" as contained in this article; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this article, shall be undertaken only if said nonconformity is not further extended or replaced.

B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction

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 (1) foot 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 and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Article VII, Section 7.050, Subsection B.

Within unnumbered 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 or floodproofed to a level of at least three (3) feet above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain (lowest floor being defined in Section 7.020, of this article). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article VII, Section 7.040, Subsection B. **(Amended by Ordinance 07-13, December 10, 2007)**

2. Nonresidential Construction

New construction or substantial improvement of any commercial, industrial, or nonresidential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered 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 or floodproofed to a level of at least three (3) feet above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain (lowest floor being defined in Section 7.020, of this article). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article VII, Section 7.040, Subsection B. **(Amended by Ordinance 07-13, December 10, 2007)**

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 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 Article VII, Section 7.040, Subsection B.

3. Elevated Building

All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain, 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. (Amended by Ordinance 07-13, December 10, 2007)

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - i. Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one (1) foot above the finish grade; and
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article VII, Section 7.050, Subsection B, of this article.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels; (2) in expansions to existing manufactured home parks or subdivisions; or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - i. When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - ii. Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain. (Amended by Ordinance 07-13, December 10, 2007)
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood or that has substantially improved, must meet the standards of Article VII, Section 7.050, Subsection B, 4, of this article.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
 - i. Be on the site for fewer than one hundred-eighty (180) consecutive days;
 - ii. 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.
 - iii. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred-eighty (180) consecutive days.

5. * Standards for Subdivisions * *

Subdivisions and other proposed new developments, including manufactured home parks, 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 developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and with Floodways Designated

Located within the Areas of Special Flood Hazard established in Article VII, Section 7.030, Subsection B, 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:

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments 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, when combined with all other existing and anticipated 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 registered professional engineer must provide supporting technical data and certification thereof.
- 2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Article VII, Section 7.050.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Article VII, Section 7.030, Subsection B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- 1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 2. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Article VII, Section 7.050, Subsection B.

E. Standards for Streams Without Established Base Flood Elevations or Floodways (A-Zones)

Located within the Areas of Special Flood Hazard established in Article VII, Section 7.030, where streams exist, but no base flood data has been provided (A-Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with Article VII, Section 7.030, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article VII, Section 7.050. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article VII, Section 7.050, Subsection B, and **"Elevated Buildings"**. (Amended by Ordinance 07-13, 2007, December 10, 2007)

F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Article VII, Section 7.030, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Article VII, Section 7.050, Subsection B, and **"Elevated Buildings"**. (Amended by Ordinance 07-13, December 10, 2007)

2. All new construction and substantial improvements of nonresidential 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 (1) foot above the specified FIRM flood level, 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, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain. A 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 article and shall provide such certification to the Administrator as set forth above and as required in Article VII, Section 7.040, Subsection B. **(Amended by Ordinance 07-13, December 10, 2007)**
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or a level of at least one (1) foot above the nearest grade located outside of the 100-year floodplain, where applicable, and the record shall become a permanent part of the permit file. **(Amended by Ordinance 07-13, December 10, 2007)**

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Article VII, Section 7.030, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Article VII, Section 7.040, and Section 7.050, Subsection A, shall apply.

H. Standards for Unmapped Streams

Located within Chapel 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:

1. 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, measured from the top of each stream bank, 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.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Article VII, Section 7.040.

7.060 VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Chapel Hill, Tennessee.

A. Board of Zoning Appeals

1. The Chapel Hill Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this article.
2. 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.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. 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;
 - j. 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.
4. Upon consideration of the factors listed above, and the purposes of this article, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this article.

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

B. Conditions for Variances

1. 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.
2. 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.
3. 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.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Article VII, Renumbered to Article VIII, by Ordinance 07-09, September 10, 2007)

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 8.010 Administration of the Ordinance
- 8.020 The Enforcement Officer
- 8.030 Building Permits
- 8.040 Temporary Use Permits
- 8.050 Certificate of Occupancy
- 8.060 Board of Zoning Appeals
- 8.070 Variances
- 8.080 Procedure for Authorizing Special Exceptions
- 8.090 Amendments to the Ordinance
- 8.100 Amendments to the Zoning Map
- 8.110 Penalties
- 8.120 Remedies
- 8.130 Validity
- 8.140 Interpretation
- 8.150 Effective Date

8.010 ADMINISTRATION OF THE ORDINANCE

Except as otherwise provided, no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered or moved, unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified therein, compliance with such other ordinances, resolutions, or regulations is mandatory.

8.020 THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered by the Chapel Hill Building Inspector, under the supervision of the Town Administrator. The building inspector shall administer and enforce this ordinance, and, in addition, he shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all certificates of occupancy and make and maintain records, thereof.
- C. Issue and renew, where applicable, all temporary use permits and make and maintain records, thereof.

- D. Maintain and keep current zoning maps, and records of amendments, thereto.
- E. Receive, file, and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this ordinance.
- F. Receive, files, and forward to the planning commission all matters on which, the planning commission is required to act under this ordinance.
- G. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The building inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

8.030 BUILDING PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land without a permit, therefore, issued by the building inspector.

No Building Permit shall be issued by the building inspector except in conformity with the provisions of this ordinance, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this ordinance.

A. Application for a Building Permit

Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. Applications for building permits will be accepted only from persons having legal authority to take action in accordance with the permit. The building inspector may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the building inspector is required to consider the application. It is not necessary that the application contain construction drawings to determine compliance with all the requirements of this ordinance, so long as the plans provide sufficient information to allow the building inspector to evaluate the application in light of the substructure requirements set forth in this ordinance.

B. Site Plan Requirements

1. Five (5) copies of proposals for the construction or location of one (1) or more principal structures on a lot, additions to existing buildings or free-standing accessory structures, (with the exception of single-family and two-family dwellings), shall be submitted to Town Hall no later than fifteen (15) days prior to the upcoming Planning Commission meeting. See Subsections C and D, for specific site plan requirements.

2. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Section 4.080.
3. The above applications must be supported by any other information or data as might be deemed necessary by the Chapel Hill Municipal Planning Commission.
4. The Planning Commission may require that site plans for construction of new principal structures, additions to existing structures, or free-standing accessory structures be prepared and stamped by an individual licensed and certified by the State of Tennessee, to perform such design service as is required, above.
5. A site plan submitted for an addition to an existing building or a free-standing accessory structure which is less than forty (40) percent of the total square footage of the existing building is exempt from the following the site plan requirement.

C. Site Plans Required for All Other Buildings and Activities

This procedure is to be utilized for all buildings and activities, except those subject to the provisions of Subsection C. Unless, otherwise, specified, the reviewing agency shall be the Chapel Hill Planning Commission. Proposals for planned developments, cluster residential developments and mobile home parks shall follow separate provisions outlined elsewhere in this ordinance, but such proposals shall also be reviewed by the planning commission.

The following information shall be included in the site plan.

1. General Location Sketch Map at a scale not smaller than 1"=200', showing:
 - a. The approximate boundaries of the site.
 - b. Acreage and zoning classification of the area involved.
 - c. The location and dimensions of structures, including height, bulk, building elevations for all sides, and the utilization of structures (including activities and number of living units, if any).
 - d. The location and dimensions of internal streets (including traffic circulation patterns) sidewalks, points of access to public streets, and off-street parking spaces and loading areas.
 - e. The location, text, and dimensions of any proposed signage for the development.
 - f. The location and size of existing and proposed water and sewer lines, storm drainage, and any easements.

D. Fee (Amended by Ordinance 05-15, October 10, 2005)

The Chapel Hill Planning Commission shall establish a Schedule of Fees and a collection procedure for building permits. The Schedule of Fees shall be posted in the Town Hall. Until the appropriate fee has been paid in full, no action shall be taken on any application.

E. Issuance of Permit (Amended by Ordinance 05-15, October 10, 2005)

The proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed waiving of any provisions this ordinance.

F. Construction Progress (Amended by Ordinance 05-15, October 10, 2005)

Any building permit issued becomes invalid if work authorized by it is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

8.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature, unless a permit has been obtained from the Chapel Hill Building Inspector, as provided for in Article IV, Section 4.030, of this ordinance. Application for a temporary use permit shall be made in writing to the building inspector on forms provided for that purpose.

8.050 CERTIFICATE OF OCCUPANCY

No land or building or their structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within five (5) working days after notification that a building or premises or part thereof is ready for occupancy of 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 building or premises or part thereof is found to conform with provisions of this ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

8.060 BOARD OF ZONING APPEALS

A Chapel Hill Board of Zoning Appeals is thereby established in accordance with Sections 13-7-205 through 13-7-207, of the Tennessee Code. The Board shall consist of five (5) members of the Chapel Hill Planning Commission.

A. 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. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of

witnesses. 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 action taken, hereon. The records and minutes shall be filed in the office of the building inspector and shall be a public record.

B. Appeals to the Board

An appeal to the Chapel Hill Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the building inspector based in whole or in part upon the provisions of this ordinance. 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 in person, by agent, or by attorney.

C. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. 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 ordinance.

2. Special Exceptions

To hear and decide application for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the terms of this ordinance.

D. Rules and Regulations of the Board

The Board of Zoning Appeals shall adopt rules for the conduct of its meetings. Such rules shall, at the minimum, require that:

1. The presence of three (3) members of the Board of Zoning Appeals shall constitute a quorum and the concurring vote of at least three (3) members of the Board of Zoning Appeals shall be necessary to deny or grant any application before the Board of Zoning Appeals.

2. No action shall be taken by the Board of Zoning Appeals on any case until after a public hearing and notice, thereof. Said notice of public hearing shall be a legal notice published in a newspaper of General circulation in Chapel Hill at least ten (10) days before the hearing of an appeal. No appeal shall be considered and heard by the Board of Zoning Appeals less than fifteen (15) days after filing such appeal. If new information is uncovered regarding an action of the Board of Zoning Appeals that could not have been reasonably presented in a public hearing before the Board of Zoning Appeals, the Board of Zoning Appeals shall establish a date for the purpose of rehearing in accordance with the appropriate procedures, herein.
3. The Board of Zoning Appeals may call upon any other office or agency of the government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board of Zoning Appeals as may be reasonably required.
4. The planning commission shall be permitted to submit an advisory opinion on any matter before the Board of Zoning Appeals and such opinion shall be made part of the record of such public hearing.
5. Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board of Zoning Appeals to a court of competent jurisdiction as provided for by State law.
6. Any decision made by the Board of Zoning Appeals on a special exception shall indicate the specific section of this ordinance under which the permit is being considered and shall state clearly the specific conditions imposed in granting such permit.
7. Appeals will be assigned for hearing in the order in which they appear on the calendar, thereof, except that appeals may be advanced for hearing by order of the Board of Zoning Appeals, good, and sufficient cause being shown.
8. At the public hearing of the case before the Board of Zoning Appeals, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

E. Stay of Proceedings

An appeal shall stay proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Zoning Appeals after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance the proceedings shall not be stayed, otherwise, than by a restraining order, which may be granted by a court of competent jurisdiction on application, on notice to the building inspector, and on due cause shown.

F. Liability of Board of Zoning Appeals Members, Building Inspector and Employees

Any board member, building inspector, or other employee charged with the enforcement of this ordinance acting for Chapel Hill, within the scope of the

responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he is, hereby, relieved from all personal liability and shall be held harmless by the town of any damage that may occur to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board of Zoning Appeals member, building inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the town until the final termination of such proceedings.

G. Right of Entry upon Land

Upon notice to property owners, the Board of Zoning Appeals, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

H. Rehearings

1. No rehearing of the decision by the Board of Zoning Appeals shall be had except:
 - a. On motion to reconsider the vote; or
 - b. On a written request for a rehearing.
2. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board of Zoning Appeals may, by resolution in each case, stipulate.
3. No request to grant a rehearing will be entertained, unless new evidence is submitted which could not reasonably be present at the previous hearing.

If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for rehearing shall be in writing, reciting the reasons for the request and shall be duly verified and accompanied by the necessary data and diagrams. The persons requesting the rehearing shall be notified to appear before the Board of Zoning Appeals on a date to be set by the Board.

4. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

8.070 VARIANCES

The purpose of this procedure is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

B. Hearings

Upon receipt of an application, the Board of Zoning Appeals shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardship. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below. A fee for a variance shall be included on the Chapel Hill Schedule of Fees, and will be required to cover the review and processing of each application, except that the fee shall be waived for a government agency. (Amended by Ordinance 05-15, October 10, 2005)

C. Standards for Variances

The Board of Zoning Appeals shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance in granting a variance, the Board shall ascertain that the following criteria are met:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out, must be stated.
2. The condition upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance. to other lands, structures, or buildings in the same district.
4. Financial returns alone shall not be considered as a basis for granting a variance.
5. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
6. The variance will not authorize activities, otherwise, excluded from the particular district in which requested.
7. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.

8. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase in the congestion in the public streets, or increase the danger of public safety.
9. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

D. Restrictions and Variances

1. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Under no circumstances shall the Board Zoning of Appeals grant a variance to allow a "USE" not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
3. The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in Subsection C, 4, (above), to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this ordinance. The Board may establish expiration dates as a condition or as a part of any variances.

8.080 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance, or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. Said applications shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, any other material pertinent to the request which the Board may require.

B. Restrictions

In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

C. Validity Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit

All applications reviewed by the Board of Zoning Appeals shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

E. General Requirements

A special exception shall be granted provided the Board of Zoning Appeals finds that the activity:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
2. Will not adversely affect other property in the area in which it is located;
3. Is within the provision of "Special Exceptions" as set forth in this ordinance; and
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience is that location.

F. Special Exceptions Appeals

Any person or agency of the town government may appeal to a court of competent jurisdiction from the Board of Zoning Appeals decision as provided under statutes of the State of Tennessee. The judgment and findings of the Board, on all questions of fact that may be involved in any appeal, cause, hearing or proceedings under this article, shall be final, and subject to review only for illegality or want of jurisdiction.

8.090 AMENDMENTS TO THE ORDINANCE

The regulations and the number, or boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the Chapel Hill Board of Mayor and Aldermen. Any member of the Town Board of Mayor and Aldermen may introduce such legislation, or any official, board, or any other person may represent a petition to the Town Board of Mayor and Aldermen requesting an amendment to or amendments to this ordinance.

No amendment shall become effective, unless it is first submitted to the Chapel Hill Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its recommendation to the Town Board of Mayor and Aldermen. If the planning commission disapproves the amendment, it shall require a favorable vote of a majority of the entire membership of the Town Board of Mayor and Aldermen to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or if disapproved, receive the favorable note of a majority of the entire membership of the Town Board of Mayor and Aldermen

Before finally adopting any such amendment, the Town Board of Mayor and Aldermen shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the town. This notice shall specify the location and the current and proposed zoning classification of any property to be rezoned.

8.100 AMENDMENTS TO THE ZONING MAP

Amendments to the zoning map shall be initiated by the filing of an application with the building inspector. Said application shall contain:

- A. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
- B. A written legal description of the subject property including the Tax Plat Number and acreage.
- C. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
- D. The names and addresses of the adjacent property owners, including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.
- E. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1" = 100' and no larger than 1" = 30', and show the following information:
 1. Title, north arrow, graphic scale, date, civil, district, and the acreage of the property to be rezoned.
 2. Dimensions in feet of property to be rezoned.
 3. All roads and easements within or adjoining property to be rezoned.
 4. Location, size, type and current use of any building on the property requested for rezoning.
 5. Location of the adjoining property owners in relation to the property to be rezoned.

8.110 PENALTIES

Any person violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue constitutes a separate offense.

In addition to other penalties, the enforcement officer designated by the town may order the discontinuance of utility services to any parcel of land where the said use is in violation of the zoning ordinance. This may be done only when the owner of the property has been given at least ten (10) days notice by certified mail or personal service of such violation and has failed to make substantial progress toward correction of such violation.

8.120 REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

8.130 VALIDITY

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part than the part judged invalid or unconstitutional.

8.140 INTERPRETATION

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

8.150 EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare demanding it.

Certified by the Chapel Hill Municipal Planning Commission.

March 3, 2005
Date


Secretary

Passed on First Reading: March 14, 2005

Passed on Second Reading: April 11, 2005

Notice of Public Hearing: April 11, 2005, at 5:30 p.m.


Mayor

ATTESTED BY:


Chapel Hill Town Recorder

Zoning Ordinance

Amendments

ORDINANCE NO. 05-11

AN ORDINANCE OF THE TOWN OF CHAPEL HILL AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE TO REMOVE THE REQUIREMENT THAT PERMITS ONLY FOR EXCAVATION OR FILL BE REVIEWED BY THE BUILDING INSPECTOR AND PLANNING COMMISSION.

WHEREAS, the Town of Chapel has adopted a practice of requiring all persons moving dirt onto their property to have such action reviewed by the building inspector and Planning Commission under the Flood Damage Prevention Ordinance; and

WHEREAS, the Board of Mayor and Aldermen have determined that it is in the best interest of the Town to discontinue this policy.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF CHAPEL HILL, TENNESSEE, AS FOLLOWS:

SECTION 1. That Title 14, Section 310 of the Municipal Code be amended by deleting subsection (3) in its entirety and replacing it with the following:

(3) This ordinance shall not be construed to require a property owner to apply for a permit only to excavate or fill on their property, unless such work meets the definitions of "new construction" or "substantial improvement" under this Section.

SECTION 2. If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

SECTION 3. This ordinance shall take affect upon final passage, the public welfare requiring it.



TOWN RECORDER

MAYOR

APPROVED AS TO LEGALITY AND FORM:


TOWN ATTORNEY

Passed First Reading: 7/11/05

Passed Second Reading: 8/8/05

ORDINANCE NO. 05-12

AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF CHAPEL HILL TO DEFINE RV PARKS AND TO ALLOW THEM AS A SPECIAL EXCEPTION IN B-2, INTERMEDIATE BUSINESS DISTRICTS

WHEREAS, The Town of Chapel Hill Planning Commission has reviewed and discussed this proposed amendment and voted to recommend its passage to the Board of Mayor and Aldermen; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF CHAPEL HILL, TENNESSEE, AS FOLLOWS:

SECTION 1. That the Official Zoning Ordinance, as amended, is further amended as follows:

A. Amend Article II. Definitions Section 2.020 Definitions by adding the following term and its definition:

RECREATIONAL VEHICLE PARK: A plot of land designed and equipped to accommodate Recreational Vehicles (as herein defined), for a limited duration of time, for travel, recreation, and/or vacation purposes. Recreational Vehicle Parks shall not constitute a principal place of residence for its occupants, nor shall they be allowed to be used as apartments or adjacent living quarters of a residential home.

B. Amend Article V. Section 5.060 Permitted Use Table by adding the following use under the Group Assembly Land-use category:

Recreational Vehicle Park: shown to be allowed only as a **Special Exception "S"** in B-2, Intermediate Business District, zones.

SECTION 2. That the Board of Mayor and Aldermen of the Town of Chapel Hill, Tennessee, hereby certify that this Ordinance has been submitted to the Planning Commission of the Town of Chapel Hill for a recommendation, and a notice of hearing thereon has been ordered after at least fifteen (15) days notice of the time and place of said meeting has been published in a newspaper circulated in the Town of Chapel Hill, Tennessee. This Ordinance shall take effect fifteen (15) days from the date of its final passage, the public welfare demanding it.

SECTION 3. If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

SECTION 4. In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future Ordinance of the Town of Chapel Hill, the most restrictive shall in all cases apply.

MAYOR



TOWN RECORDER

APPROVED AS TO LEGALITY AND FORM:

TOWN ATTORNEY

Passed first reading: 8/8/05
Passed second reading: 9/12/05

ORDINANCE NO. 09-01

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING
ORDINANCE OF THE TOWN OF CHAPEL HILL, AS
AMENDED, REGARDING LANDSCAPING AND BUFFER
STRIPS FOR NEW DEVELOPMENTS.**

WHEREAS, The Town of Chapel Hill Planning Commission has reviewed and discussed this proposed amendment and voted to recommend its passage to the Board of Mayor and Aldermen; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
MAYOR AND ALDERMEN OF THE TOWN OF CHAPEL HILL,
TENNESSEE, AS FOLLOWS:

SECTION 1. That Article III, Section 3.110 of the Official Zoning Ordinance, as amended, is further amended by deleting the existing section and replacing it with the following language:

3.110 LANDSCAPING AND BUFFER STRIPS

Chapel Hill's most important asset in seeking to attract residents and businesses is the environment. The purpose and intent of landscaping and buffers is to preserve and promote health, safety and general welfare of the public; to facilitate the recreation of a convenient, attractive and harmonious community; to preserve the character of the area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate uses of the land. More specifically, this section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this section is intended to require landscaping in order to reduce the harmful effects of wind and air turbulence, heat and noise and the glare of motor vehicle lights, to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and improve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere, to prevent soil erosion, to provide shade and to enhance the blighted appearances of parking lots.

The provisions of this section shall apply to all developments where site plans are filed and shall also apply to buffer strips where required.

A. Provisions for Administration Shall Be as Follows:

1. Following the adoption of this ordinance, no site plan shall be approved which does not meet the landscaping and buffering requirements pertaining to it.
2. No application for a zoning change shall be recommended for approval by the Planning Commission or approved by the Town Board of Mayor and

Aldermen, unless such application demonstrates that the provisions of this section pertaining to buffering can be met.

3. The Board of Zoning Appeals shall not approve any request for a special exception unless the provisions of this section can be met.
4. The landscaping measures as required by this and approved on the site plan submitted in accordance with these provisions shall be completed according to specifications prior to issuance of an occupancy permit.
5. All measurements for trees shall be made between 24"-36" above grade after planting.

B. General Landscaping Requirements

1. Landscaping shall be integrated into building arrangements, topography, parking, and buffering requirements. Landscaping shall use trees, shrubs, ground cover, perennials, annuals, plant sculpture, art and the use of building and paving materials in an imaginative manner to meet the requirements of this ordinance.
2. Where the provisions of this section would reduce the usable area of a lot due to lot configuration or size, or where the provisions of this section may not pertain to certain lots, the Planning Commission may waive any requirements that it believes are unnecessary. It may also require such other information or exhibits, including photographs, samples of proposed building materials or anything that may be considered necessary to reach an informed decision on the acceptability of the project.
3. A landscape zone of not less than five (5) feet width must be planted along all street frontages and behind public right-of-way boundaries in commercial zones where the site is two (2) acres or less, eight (8) feet where the site is more than two (2) acres and less than five (5) acres or more, and ten (10) feet where the site is five (5) acres or more.
4. **Street trees must be planted at a minimum of forty (40) feet on center along street frontage and within landscape zone. Street trees must be planted a minimum of five (5) feet behind the back of curb or edge of pavement, when sidewalks are absent.**
5. Required Street Tree sizes shall be:
 - (a) Along US Highway 31-A
Three (3) inches in caliper
 - (b) Other Arterials
Three (3) inch caliper minimum
 - (d) Secondary Streets
Two (2) inches caliper

6. Undesirable Plant Species

- (a) American Elm
- (b) Box Elder
- (c) Bradford Pear
- (d) Empress Tree
- (e) Hackberry
- (f) Lombardy Poplar
- (g) Mimosa
- (h) Mulberry (except small weeping ornamental types)
- (i) Osage Orange
- (j) Purple Leaf Plum
- (k) Tree of Heaven
- (l) Siberian Elm
- (m) Silver Maple
- (n) Silver-leaved Poplar
- (o) White Birch

Other species will be considered on a site by site basis.

7. Required Interior Site Tree Sizes Are as Follows

- (a) Deciduous Shade Trees – large tree growing to over forty (40') feet in height at maturity and provides canopy cover shade
Two and a half (2 1/2) inches caliper minimum
- (b) Evergreen Trees – large tree growing to over thirty (30') feet in height at maturity and which retains it's leaves or needles throughout the year
At least six (6) feet in height
- (c) Under Story/Ornamental – small to medium tree growing fifteen (15') feet to forty (40') at maturity.
One and a half (1 1/2) inches caliper minimum

No more than fifty (50) percent of site tree requirement may be met with under story/ornamental trees. Under story / Ornamental trees must be used for required plantings under or near overhead utility lines.

8. Required Shrub Plantings Must Meet the Following Requirements
 - (a) Upright Species – shrub with mature height of greater than ten (10') feet
Twenty-four (24") inch height minimum
 - (b) Spreading Species – shrub with mature height less than five (5') feet
Eighteen (18) inch spread minimum
 - (c) Intermediate Species – shrub with mature height five (5') feet to ten (10')
Eighteen to twenty-four (18 – 24) inch height/spread minimum
 - (d) If Used for Transitional Screen
Thirty-six (36") inch height minimum
9. A minimum of fifteen (15) percent of parking lot area must be formally landscaped in and around the parking areas. (Ten (10) percent in Industrial Zones)
10. For every two hundred (200) square feet of required formal landscape area in parking lots, one (1) site tree must be provided. Calculations must be provided on landscape plans.
11. In commercial zones, a continuous shrub row must be planted at eighteen (18") inch height minimum along all boundaries of parking areas visible from public streets.
12. Foundation plantings must be provided for all publicly viewable sides of a building in commercial zones and industrial zones. Foundation plantings can consist of deciduous trees, evergreen trees, under story/ornamental upright shrubs, or spreading shrubs. The number of required foundation plants is based on the length of the building face that is required to receive the foundation plantings. One (1) foundation plant is required per twenty (6') feet of building face.

C. Screening and Buffer Screening

1. Screening
 - (a) Elements such as parking, loading areas, dumpsters, outdoor storage and electrical boxes shall be obscured by screening.
 - (b) Specific screening shall dictate the required materials and amounts. Evergreen trees provide the greatest year-round screening, with

staggered double rows preventing gaps. Where appropriate, materials such as deciduous trees and shrubs, fences and walls, may be used. The materials and colors of fencing and walls shall be compatible with the architecture of the associated building.

- (c) Screening areas shall have a minimum width of five (5) feet when vegetative materials are used. There is no minimum width for fences and walls.
- (d) Loading areas shall not front any streets (except industrial zones) unless screened from public rights-of-way.
- (e) Outdoor storage is prohibited in any front yard and shall not be visible from any public right-of-way.
- (f) Dumpsters, trash refuse and recyclable containers shall be set on concrete pads and located to the rear of sites. They shall be completely screened on all four (4) sides by metal, pressure treated lumber, vinyl, or masonry fencing and a gate, with a minimum height of two (2) feet above the dumpster. Additionally, landscaping (upright or intermediate shrubs) shall be installed on the outside of the fenced screening in an amount equal to four (4) plants per side.
- (g) Electrical boxes and similar utilities shall be screened with landscaping.
- (h) Utility and mechanical equipment on roofs or on site shall be totally screened by metal, pressure treated lumber, vinyl, or masonry fencing.

2. Transitional Screening/Buffering

- (a) Transitional screening and/or buffering shall be provided where commercial, industrial, multi-family or mobile home districts adjoin residential districts.
- (b) Transitional screens or buffers must include a densely planted strip at least ten (10) feet in width and designed to provide a buffer in all seasons.
- (c) Existing mature vegetation is to be retained, protected from construction activities, and reinforced with new plantings as required in this ordinance in these areas.
- (d) Two rows of trees must be planted on ten (10) feet centers with three (3) feet offsets within the buffer area.
- (e) No more than fifty (50) percent of trees planted in buffer area may be deciduous shade trees or understory/ornamental trees. The other fifty (50) percent must be evergreen.
- (f) Shrubs used in buffer strips must be evergreen and thirty-six (36") inches in height at installation.

D. Modifications and Waivers

Buffer screening may be waived or modified by the Planning Commission or Board of Zoning Appeals, whichever is appropriate, in any of the following circumstances. Conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this section may be attached:

1. Buffer screening may not be required between uses that are to be developed under a common development plan or a series of development plans within a PUD District or a common site plan.
2. Where the provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, buffer screening may be reduced. Where the side of a building, a barrier and/or the land between that building and property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques, buffer screens may be waived.
3. Buffer screening may be waived or modified where the subject property line abuts a railroad or limited access highway right-of-way.
4. When buffer screening and the lot being protected is such that a barrier would not be effective.
5. Buffer screening may be waived or modified for any public use, when such use has been specifically designed to minimize adverse impacts on adjacent properties.
6. Buffer screening may be modified in certain unusual circumstances of topography, or to alleviate certain specific problems; i.e., the blocking of glare, muting of noise, etc., The Planning Commission may require the use of an earth berm or more specialized fencing material in lieu of, or in combination with, any of the buffer screening requirements.

E. Submissions Requirements

1. A Site Landscaping Plan, Either as a Separate Drawing or Integrated with the Site Plan
 - (a) The location of all existing trees greater than eight (8) inch in caliper.
 - (b) The proposed locations of all required site landscaping with size, species, and numbers noted.
 - (c) Position of screen planting (type and number of plantings specified).

- (d) Means for supplying water, including irrigation systems, or the location of hydrants or other sources of water supply. A source of water must be available to meet the requirements of this article.

F. Enforcement of Landscaping Plans

In no event shall a Certificate of Occupancy Permit be issued, unless and until all elements of landscaping have been installed, and such installation has been approved by the Town as complete and in accordance with the approved landscape plan. If at the time application is made for a Certificate of Occupancy, required nonstructural landscaping is not in place and it can be determined by the Town, that because of the unavailability of plant material or that requiring completion of the landscaping at the time of such request would jeopardize the health of the plant material or weather conditions prohibit the completion of planting, the developer/owner shall make the following arrangements to secure a Temporary Certificate of Occupancy Permit.

1. The developer/owner shall produce an agreement in the form of a legally binding contract between the developer/owner and a landscaping installer/contractor specifying the manner, estimated cost, and the date by which the landscaping, as shown on the approved plans, is to be installed. The Town shall be a third party beneficiary to said contract. The agreement shall be secured by a bond or letter of credit made payable to the Town of Chapel Hill, Tennessee, in an amount equal to the estimated cost of landscaping plus ten (10) percent. In the event of the failure of the developer/owner to execute this contract and thereby perform the work specified in the approved plan, the Town shall call the bond or letter of credit and fund the contract to have the work accomplished.
2. The developer/owner shall also agree in writing that he/she, or his/her successors shall provide the required planting as specified in the contract required in Paragraph 1, above, as a condition for issuance of a Certificate of Occupancy Permit and that no permit shall be issued unless and until such landscaping is installed. The developer/owner shall also agree that the principal use shall be discontinued should the required landscaping not be provided as specified in the approved plans. Violations of these provisions shall constitute an unauthorized illegal occupancy of the principal use and no further permits of any type shall be approved until the landscaping is installed.

G. Alternative Methods of Compliance

Although certain material or a particular method of construction is specifically prescribed by this ordinance, it is not intended, especially whenever a stream, natural rock formation or other natural condition exists, to prevent the use of materials or methods of construction different from the materials or methods of construction prescribed by this ordinance; provided, any such material or method of construction has been approved in writing or in plan by the Planning Commission who approved the original plan.

The Planning Commission may approve in writing or in plan any such alternate material or method of construction, provided that the proposed material or method of construction is, for the purpose intended, equivalent of that specifically prescribed by this ordinance in quality, effectiveness, durability, hardness and

performance and that such alternative measure better preserves the existing natural condition. The Planning Commission may require that sufficient evidence of proof be submitted to substantiate any claim that may be made regarding its use.

SECTION 3. That the Board of Mayor and Aldermen of the Town of Chapel Hill, Tennessee, hereby certify that this Ordinance has been submitted to the Planning Commission of the Town of Chapel Hill for a recommendation, and a notice of hearing thereon has been ordered after at least fifteen (15) days notice of the time and place of said meeting has been published in a newspaper circulated in the Town of Chapel Hill, Tennessee. This Ordinance shall take effect fifteen (15) days from the date of its final passage, the public welfare demanding it.

SECTION 4. If any section, clause, provision, or portion of this Ordinance is for any reason declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion, of this Ordinance which is not itself invalid or unconstitutional.

SECTION 5. In case of conflict between this Ordinance or any part thereof and the whole or part of any existing or future Ordinance of the Town of Chapel Hill, the most restrictive shall in all cases apply.

MAYOR



TOWN RECORDER

APPROVED AS TO LEGALITY AND FORM:

TOWN ATTORNEY

Passed first reading: 1/12/09

Passed second reading: 3/9/09

SUBDIVISION

REGULATIONS

CHAPEL HILL,

TENNESSEE

SUBDIVISION REGULATIONS

CHAPEL HILL, TENNESSEE

**SUBDIVISION REGULATIONS
CHAPEL HILL, TENNESSEE**

ADOPTED: *January 12, 2006*

LAST AMENDED:

**PREPARED FOR THE
MUNICIPAL PLANNING COMMISSION**

PREPARED BY

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

**LOCAL PLANNING OFFICE
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446 METROPLEX DRIVE
NASHVILLE, TENNESSEE 37211-3139**

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AMENDMENTS

Date

Resolution

Amendment

ARTICLE I
GENERAL PROVISIONS

1-101 Title

These regulations shall hereinafter be known and cited as the Subdivision Regulations of Chapel Hill, Tennessee.

1-102 Authority

These subdivision regulations are adopted by the Chapel Hill Municipal Planning Commission (hereinafter referred to as "planning commission"), in pursuance of the authority and powers granted by Sections 13-3-401 through 13-3-411, and 13-4-301 through 13-4-309, Tennessee Code. Having adopted a major street or road plan for the jurisdictional area, and filed a certified copy of the plan with the County Register of Deeds (hereinafter referred to as "county register"), as required by Sections 13-3-402 and 13-4-302, Tennessee Code, and having held a public hearing as indicated in Section 7-101, of these regulations and as required by Sections 13-3-403 and 13-4-303, Tennessee Code, the planning commission has fulfilled the requirements set forth in state law as prerequisites to the adoption of these regulations.

1-103 Jurisdiction

These subdivision regulations shall apply to all subdivisions, as herein defined, located within Chapel Hill, Tennessee. No land shall be subdivided within the jurisdictional area until the subdivider submits a plat as required by these regulations, obtains planning commission approval of the plat, and files the approved plat with the county register.

1-103.1 Maintenance Bond for Completed Improvements

1. The Chapel Hill Street Department shall receive a public ways, alleys and walks maintenance bond due to development of any new subdivision public ways, alleys and walks to assure the repair and/or replacement of any major defects not readily apparent at the time of acceptance. The public ways, alleys and walks maintenance bond shall be for a period of one (1) year. In determining the adequacy of the bond amount, the planning commission may consult with the town engineer, government officials and/or qualified consultants prior to acceptance of same.
2. The Chapel Hill Public Utilities Department shall receive a public utilities infrastructure maintenance bond due to development of any new subdivision infrastructure to assure the repair and/or replacement of any major defects not readily apparent at the time of acceptance. The public utilities infrastructure bond shall be for a period of one (1) year. In determining the adequacy of the bond amount, the planning commission may consult with the town engineer, government officials and/or qualified consultants prior to acceptance of same.
3. The Chapel Hill Parks and Recreation Department shall receive a parks and open space maintenance bond due to development of any new subdivision parks and other open areas to be dedicated to the Town of Chapel Hill, to assure the repair and/or replacement of any major defects not readily apparent at the time of

acceptance. The parks and open space maintenance bond shall be for a period of one (1) year. In determining the adequacy of the bond amount, the planning commission may consult with the town engineer, government officials and/or qualified consultants prior to acceptance of same.

4. A Certificate of Maintenance Bond for Public Ways, Alleys, Walks, and Public Infrastructures, and a Certificate of Maintenance Bond for Parks and Open Spaces shall be presented and formally accepted by the Town of Chapel Hill Board of Mayor and Aldermen at an officially convened meeting as per Subsection 1-103.1, supra. Such legal action shall constitute official acceptance of dedicated public ways, alleys, walks, utilities, infrastructures, parks and open spaces. The Certificate of Maintenance Bond shall site the maintenance bond amount for the proper improvements as per 1, 2, and 3, supra, and be adhered to the final plat and become a part thereof.

1-104 Policy and Purpose

It is hereby declared to be the policy of the planning commission to consider the subdivision of land and development of a subdivision plat as subject to the control of the adopted land use or community development plan (hereinafter referred to as "land development plan") of the jurisdictional area for orderly, planned, and efficient physical and economical development.

Land to be subdivided shall be of such character that it can be used for building purposes without danger of health, fire, flood, or other menace.

Land shall not be subdivided until proper provisions have been made for drainage, water, sewerage, other public utilities, and for other required public services. The existing and proposed public improvements shall generally conform to and be properly related to the proposals shown in the land development plan.

The regulations herein shall supplement and facilitate the enforcement of the provisions and standards contained in the Zoning Ordinance of Chapel Hill, Tennessee (hereinafter referred to as "zoning ordinance").

These regulations are adopted for the following purposes:

- A. To promote the public health, safety, and general welfare of the jurisdictional area.
- B. To guide the development of the jurisdictional area in accordance with the land development plan, considering the suitability of nonresidential and public areas and having regard for the most beneficial land use in such areas.
- C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
- D. To enhance the character and economic stability and encourage the orderly, beneficial development of the jurisdictional area.
- E. To conserve the value of land, buildings, and improvements throughout the jurisdictional area and to minimize detrimental conflicts among the uses of land and structures.
- F. To guide public policy private and action providing for transportation, water, sewerage, schools, recreational areas, and other public requirements and facilities.

- G. To provide for the most beneficial relationship between the uses of land and buildings and the efficient traffic movement throughout the jurisdictional area.
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions; to further the orderly layout and use of land; and to insure proper legal descriptions and proper monumenting of land.
- I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to preserve the integrity, stability, beauty, and value of the jurisdictional area.
- K. To preserve the natural beauty and topography of the jurisdictional area, and to insure appropriate development with regard to these natural features.
- L. To provide for open spaces through efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in any zoning ordinance.
- M. To encourage subdivision design which would maximize the conservation of all forms of energy.

1-105 Interpretation, Conflict, and Severability

1-105.1 Interpretation

These regulations shall be held to be the minimum requirements for the promotion of health, safety, and general welfare.

1-105.2 Conflict with Public and Private Provisions

1-105.201 Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

1-105.202 Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction; provided, that where these regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern.

Where any private provision exceeds the standards set forth herein, such shall be considered a private contract between the parties of interest, and as such is beyond the jurisdiction of the planning commission.

1-105.3 Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The planning commission hereby declares that it would have enacted the remainder of these regulations without any such part, provision, or application.

1-106 Saving Provisions

These regulations shall not be construed as abating any action now pending under, or by virtue of prior subdivision regulations; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person; or as waiving any right of the planning commission under any section or provision existing at the time of adoption of these regulations; or as vacating or annulling any rights obtained by any person by lawful action of the planning commission, except as expressly provided otherwise in these regulations.

1-106.1 Previously Approved Subdivisions

1-106.101 Unexpired Preliminary Approval

The approval granted on any plat prior to the effective date of these regulations shall remain in force and effect for the time period stipulated by the regulations under which the approval was first granted.

1-106.102 Expired Preliminary Approval

In any instance in which the period of preliminary approval shall have passed with some portion of the subdivision not having received final approval, and the applicant wishes an extension of the preliminary approval, the planning commission may:

- (1) permit the remaining portion of the subdivision to be constructed and to receive approval under provisions set forth in the regulations whereby preliminary approval was originally granted, or
- (2) stipulate that the plat is null and void and that a new plat be presented subject to the provisions of these regulations.

In making this determination, the planning commission shall consider all pertinent facts available to it. The current state and active pursuit of construction and development activities within the subdivision shall be given due consideration in the course of the planning commission's deliberation on this question.

1-107 Amendments

1-107.1 Enactment

For the purpose of providing for the public health, safety, and general welfare the planning commission may from time to time amend these regulations. Before the adoption of any

amendment to these regulations, a public hearing thereon shall be held by the planning commission, as required by Chapter 3, Title 13, Tennessee Code, at least thirty (30) days notice of the time and place of which shall be given in a newspaper of general circulation.

1-107.2 Codification and Distribution

Subsequent to the adoption of any amendment to these regulations, such amendment shall be incorporated into the text of these regulations in the following manner.

1. Replacement pages shall be prepared incorporating the new or changed language. Each such new or replacement page shall have the amendment number and shall be dated so as to indicate the date of the last revision of the page.
2. In Article VII, of these regulations, each adopted amendment shall be numbered consecutively and printed on pages separate from any other amendment and in a manner which fully states any language deleted from these regulations and any language added and the place in the text of each such change.

1-108 Resubdivision of Land

1-108.1 Procedures for Resubdivision

If any change in an approved or recorded subdivision plat would affect the layout of any public street, alley, or road (hereinafter referred to as public way) shown on such plat, or area reserved thereon for public use, or any lot line, or if it would affect any map, plan, or plat legally recorded before the adoption of any subdivision regulations, such amendment shall be approved by the planning commission by the same procedure, rules, and regulations as for a subdivision.

1-108.2 Procedures for Subdivision Where Future Resubdivision Is Foreseen

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land or double the minimum required area for any zoning district in which the lot is located, and the planning commission has reason to believe that any such lot(s) will be resubdivided into smaller building sites, the planning commission may require that the subdivision and development of such parcel of land allow for the future opening of public ways and the ultimate extension of adjacent public ways. The planning commission may also require that dedications providing for the future opening and extension of such public ways be indicated on the plat.

1-109 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision are exercises of valid police power delegated by the state to the planning commission. The developer has the duty of compliance with reasonable conditions imposed by the planning commission for design, dedication, improvement, and restrictive use of the land so as to provide for the physical and economical development of the jurisdictional area and for the safety and general welfare of future plot owners in the subdivision and of the community at large.

1-110 Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot described therein, by a written instrument, to which a copy of such plat shall be

attached, declaring the plat or part of the plat to be vacated. The planning commission shall follow the same procedure for approval of plats. The planning commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, or public ways. Such an instrument shall be executed, acknowledged, or approved, and duly recorded or filed; the instrument shall operate to void the recorded plat and divest all public rights in the public ways and public grounds and all dedications laid out or described in such plat. When any lot or lots have been sold the plat may be vacated in the manner herein provided only if all of the owners of lots in such platted area join in the execution of such writing.

1-111 Variances

1-111.1 General

If the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted; provided, such variance shall not have the effect of nullifying the general intent and purpose of these regulations and provided, further, that the planning commission shall not recommend variations unless it shall make findings based upon written evidence presented to it in each specific case that:

1. the granting of the variance will not be detrimental to the public safety, health, or welfare, or be injurious to other property or improvements in the neighborhood in which the property is located;
2. the conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
3. because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship (not self-imposed) to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out; and
4. the variance will not in any manner alter the provisions of the land development plan, the major street or road plan, or any zoning ordinance.

Where the planning commission concludes that the purpose of these regulations may be specifically served to an equal or greater extent by an alternative proposal, condition, or circumstance, it may approve other variations to these regulations.

1-111.2 Procedures

Each and every variance or modification of these subdivision regulations sought by a subdivider shall be specifically applied for in the numerical order of the subdivision regulations, in writing by the subdivider in letter form. Any condition shown on the plat which would require a variance or modification shall constitute a grounds for disapproval of the plat unless such special application for modification variance is made. In approving any variation from these regulations the planning commission shall state fully in the minutes the grounds for the variation and all of the facts upon which the decision is made.

1-111.3 Conditions

In approving variations, the planning commission may impose such conditions as in its judgment will secure substantially the objectives, standards, and requirements of the regulations.

1-112 Enforcement, Violation, and Penalties

1-112.1 General

1-112.101 Authority

The enforcement of these regulations and the penalties for violations are provided pursuant to Title 13, Tennessee Code.

1-112.102 Building inspector

It shall be the duty of the building inspector (hereinafter referred to as "the building inspector") to enforce these regulations and to bring to the attention of legal council any violations or lack of compliance herewith.

1-112.103 Recording of Plats

Pursuant to Sections 13-3-402 and 13-4-302, Tennessee Code, no plat of a subdivision of land within the jurisdictional area shall be received or recorded by the county register until the plat has received final approval of the planning commission in accordance with these regulations, and such approval has been endorsed in writing on the plat by the planning commission secretary in the manner prescribed by Section 2-105, of these regulations.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in Subsections 1-112.2 and 1-112.3, of these regulations.

1-112.104 Use of Unapproved Plats

Pursuant to Sections 13-3-410 and 13-4-306, Tennessee Code, no owner or agent of the owner of any land shall convey such land contrary to the provisions stated herein.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transfer shall not exempt any owner or agent violating the provisions of the preceding paragraph from the penalties or remedies provided in Subsections 1-112.2 and 1-112.3, of these regulations.

1-112.105 Metes and Bounds Subdivisions

The subdivision of any lot or parcel of land by use of metes or bounds description without complying with the plat provisions of these regulations shall not be permitted. All such described subdivisions shall be subject to all of the requirements of these regulations.

1-112.106 False Statements About Roads

Pursuant to Sections 13-3-410 and 13-4-306, Tennessee Code, no owner or agent of the owner of any land shall falsely represent to a prospective purchaser of real estate that roads or streets will be built or constructed by any city, county, or any other political subdivision.

1-112.107 Public Ways and Utilities

Pursuant to Sections 13-3-410 and 13-4-306, Tennessee Code, the planning commission shall not nor shall any public authority accept, lay out, open, improve, grade, pave, or light any public way, lay or authorize the laying of water mains or sewers, or construct or authorize the construction of other facilities or utilities in any public way located within the jurisdictional area unless such way shall have been accepted, opened, or otherwise received the legal status of a public way prior to the attachment of the planning commission's jurisdiction, or unless such way corresponds in its location and lines to a way shown on a subdivision plat approved by the planning commission or on a public way plat made by the planning commission.

However, the governing body may override the planning commission as provided in Title 13, Tennessee Code.

In case of any state highway constructed or to be constructed within the jurisdictional area with state funds as a part of the state highway system, the submission to the planning commission shall be by the Tennessee Commissioner of Transportation, who shall have the power to overrule the disapproval of the planning commission.

1-112.108 Building Permits

No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of any provision of these regulations.

1-112.109 Access to Lots by Public Way or Private Easement

Pursuant to Sections 13-3-411 and 13-4-308, Tennessee Code, no building permit shall be issued and no building or structure shall be erected on any lot within the jurisdictional area, unless the public way giving access to the lot upon which the building or structure is proposed to be placed shall have been accepted or opened or shall have otherwise received the legal status of a public way as provided by law, or unless such lot fronts upon a permanent easement which conforms to the provisions set forth in these regulations.

Provided, further, that when a permanent easement to a public way is used as access to a lot or tract of land having been or being separated by deed or plat from other property, such easement shall be at least fifty (50) feet in width from and after the time of adoption of these regulations and shall not be used to provide access to more than one lot or tract of land.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

1-112.2 Penalties for Violations

1-112.201 Recording of Unapproved Plats

No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Sections 13-3-402 and 13-4-302, Tennessee Code, and any county register so doing shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Any county register, receiving, filing or recording a plat of a subdivision in violation of Subsection 1-112.103, of these regulations, shall be deemed guilty of a violation of the above cited provision of the Tennessee Code.

1-112.202 Use of Unapproved Plats

Section 13-3-410 and 13-4-306, Tennessee Code, provides that whoever being the owner or agent of the owner of any land transfers, or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the planning commission and obtained its approval as required before such plat be recorded in the office of the appropriate county register, shall be deemed guilty of a misdemeanor punishable as other misdemeanors as provided by law; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The town through its town attorney may enjoin such transfer or sale or agreement by action of injunction.

1-112.203 Illegal Buildings

Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure; and the building inspector or the town manager or other official designated by the chief legislative body may bring action or enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411 and 13-4-308, Tennessee Code.

1-112.3 Civil Enforcement

1-112.301 General

Appropriate actions and proceedings may be taken in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages; to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise; these remedies shall be in addition to the penalties described in Subsection 1-112.2, of these regulations.

1-112.302 Specific Statutory Remedies

- a. Use of Unapproved Plats -- The town, through its attorney or other official designated by the town council, may enjoin by action for injunction any transfer of, sale of, or agreement to sell any land in violation of Subsection 1-112.104, of these regulations.
- b. Erection of Unlawful Buildings - Where any building or structure is erected or being erected on any lot in violation of the road or easement frontage requirements of Subsection 1-112.109, of these regulations, the town building official or the town attorney or other official designated by the town council may bring action to enjoin such erection or cause the building or structure to be vacated or removed.

1-113 Repeal of Previous Regulations

Upon the adoption and effective date of these regulations, the Subdivision Regulations of Chapel Hill, Tennessee, adopted **November 4, 2004**, as amended, are hereby repealed.

ARTICLE II
PROCEDURES FOR PLAT APPROVAL

2-101 General Procedure

2-101.1 Plat Approval Requirements

Before any contract is executed for the sale of any parcel of land which is proposed to be subdivided and before any permit for the erection of any structure in a proposed subdivision shall be granted, the subdividing owner or his authorized agent shall apply for and secure the planning commission's approval of the proposed subdivision in accordance with the procedures of this article.

2-101.2 Classification of Subdivisions

The planning commission shall classify each subdivision proposal as either major or minor as defined herein.

2-101.201 Review Procedure

The subdivider shall follow the procedure described below in order to secure plat approval.

a. Minor Subdivision

- (i) Preapplication conference with the building inspector including submittal of a scale drawing or survey of the proposed subdivision for preliminary discussion and review.
- (ii) Securing of approvals from other public agencies and any affected utility districts or companies.
- (iii) Submittal of a final plat, prepared, in accordance with the specifications in Section 5-104, herein, for approval by the planning commission.

b. Major Subdivision

- (i) Preapplication conference on the subdivision with the planning commission and/or staff assistant to the planning commission, generally including a sketch plat, and discussion of the proposed area to be subdivided.
- (ii) Submittal of a preliminary plat, prepared in accordance with Section 5-102, herein for planning commission approval.
- (iii) Securing of approval from other public agencies.
- (iv) Submittal of the final subdivision plat, prepared in accordance with Section 5-104, herein for planning commission approval.

2-101.3 Official Submission Date

For the purpose of these regulations, for both major and minor subdivisions, the date of the regular meeting of the planning commission at which the public hearing on the final subdivision plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required in Section 13-3-404 and 13-4-304, Tennessee Code, for formal approval or disapproval of the plat shall commence.

2-101.4 Policy on Flood Prone Areas

In determining the appropriateness of land subdivision at any site containing a flood prone area, the planning commission, in reviewing any plat, shall consider the policy and purpose set forth in Section 1-104, of these regulations, and, additionally:

1. the danger to life and property due to the increased flood heights or velocities, either potential or actual, caused by subdivision fill, roads, and intended uses;
2. the danger that intended uses or improvements may be swept onto other lands or downstream to the injury of others;
3. the adequacy of proposed water supply, sanitation, and drainage systems, and the ability of these systems to function under flood conditions;
4. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage upon the individual owner;
5. the importance of the services provided by the proposed facility to the community at large;
6. the requirements of the subdivision for a waterfront location;
7. the availability of alternative locations not subject to flooding for the proposed subdivision and land uses;
8. the compatibility of the proposed uses with existing development or development anticipated in the foreseeable future;
9. the relationship of the proposed subdivision to the land development plan and the floodplain management program for the area;
10. the safety of access to the property for emergency vehicles in times of flood;
11. the expected heights, duration, velocity, rate of rise, and sediment transport of the floodwaters expected at the site;
12. 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, public ways, and bridges; and
13. the effect of the proposed subdivision upon the planning commission's participation in the National Flood Insurance Program, if such planning commission is, or elects to be, in the program.

No subdivision or part thereof shall be approved by the planning commission if proposed levees, fills, structures, or other features within the subdivision will individually or collectively, increase flood flows, heights, duration, or damages. The regulatory limits (the one hundred-year flood level) shall be determined from the latest approved flood study for the jurisdictional area, and any subsequent revisions thereto. Specific engineering studies are to be formulated by the developer in those areas in which flood data are not currently available, if deemed necessary by the planning commission.

In any instance in which the planning commission determines that a proposed subdivision may affect the flood height, velocity, or duration in any flood prone area outside its jurisdiction, the commission shall take all actions necessary and proper to ensure the coordinated review of the development with the appropriate governmental agencies of the affected area.

In approving plans for subdivision of land containing flood prone areas, the planning commission shall ensure that development will proceed in such a way that property lying within any floodway, as defined by these regulations, will be maintained in a manner as prescribed by any zoning ordinance. The planning commission shall also ensure that development within any floodway fringe area (within the one hundred-year flood level) will be protected adequately against potential flood hazards by the methods prescribed in Article IV, of these regulations.

The planning commission shall disapprove the subdivision of any land containing a flood prone area when the commission determines that subdivision plans are not consistent with the policy stated in this section.

2-101.5 Special Provisions Governing Unit Ownership (Condominium) Subdivisions

2-101.501 General Provisions

- a. Intent -- This section is intended to augment the general legislation of Sections 66-27-101 through 66-27-123, Tennessee Code, entitled, "Horizontal Property Act," by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Section 66-27-121, Tennessee Code.
- b. Applicability -- Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Sections 66-27-101 through 66-27-123, Tennessee Code, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provisions for the purpose of sale or transfer of real property is subject to the provisions of these regulations.

2-101.502 Submission of Plat Required

Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the planning commission a subdivision plat of such property in the manner prescribed by this article; such plat, if approved, shall be filed with the county register in the manner prescribed by this article.

2-101.503 Determination of Subdivision Type

Condominium subdivisions shall be classified by the planning commission during the plat review process as either horizontal condominiums or vertical condominiums as defined in Article VI, of these regulations.

2-101.504 Procedure

An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval, as set forth in this article.

2-101.505 Contents of Plans and Documents

The plats, plans, and documents submitted by an applicant seeking approval of condominium subdivision shall conform with the specifications set forth in Article V, of these regulations.

2-102 Sketch Plat (Major Subdivisions Only)

2-102.1 Purpose of Sketch Plat

The applicant shall submit a sketch plat to the planning commission for approval. The sketch plat is to be a concept plan for design purposes and should be used to discover all factors which may have an impact on the proposed development and to advise the subdivider of various possibilities before substantial amounts of time and money have been invested in a detailed proposal which may contain elements contrary to these regulations.

2-102.2 Sketch Plat Requirements

The sketch plat shall include the information set forth in Section 5-101.

2-102.3 Approval of Sketch Plat

When a sketch plat is submitted for planning commission approval, the number of copies required and timing of the submission shall be as for a preliminary plat. Approval of the plat shall constitute authorization to prepare detailed plans and specifications.

2-102.4 Expiration of Approval

The approval of the sketch plat shall expire within one (1) year if no further progress is made toward the development. An extension may be granted upon proper application.

2-103 Preliminary Plat (Major Subdivisions Only)

2-103.1 Application Procedure and Requirements

The applicant shall file with the planning commission a preliminary plat. The failure of the applicant to satisfy the requirements of this section with full and correct information shall be cause for disapproval of a preliminary plat. The preliminary plat shall be prepared in accordance with Section 5-102, and:

1. be presented at the office of the building inspector at least fifteen (15) days prior to a regular (officially opened) meeting of the planning commission;
2. include all land which the applicant proposes to subdivide and all land immediately adjacent, extending two hundred (200) feet therefrom, or of that directly opposite thereto, extending two hundred (200) feet from the public way frontage of such opposite land. The lot pattern of surrounding development shall be shown within that area located within two hundred (200) feet of the proposed development;
3. be accompanied by a minimum of five (5) copies of the preliminary plat as described herein; and
4. be accompanied by a minimum of five (5) copies of construction plans as described in Section 5-103, of these regulations.

2-103.2 Administrative Review

An administrative review meeting shall be conducted on the preliminary plat, construction plans, and any exhibits submitted in conformance with these regulations. This review shall include the staff assistant to the planning commission and any other appropriate governmental representative. The review shall be held prior to the regularly scheduled planning commission meeting at which the plat is to be reviewed. The findings of the review committee shall be presented to the planning commission.

With expert assistance, as necessary, the subdivider shall prepare a report, on any proposed subdivision containing or abutting a flood prone area. Such report shall estimate the discharge of the regulatory flood; determine the specific flooding threat at the site of the proposed subdivision; and indicate whether the subdivision is located in a floodway or floodway fringe area by:

1. calculation of water surface elevations and regulatory flood protection elevations based upon a hydraulic analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood;
2. computation of the floodway required to convey the regulatory flood without increasing natural flood heights of the regulatory flood more than one (1) foot at any point; and
3. unless, otherwise, established, computation of increase in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. No increase in flood storage attributable to encroachments on the floodplain of any river or stream shall be permitted in any one reach or for the cumulative effect of several reaches.

2-103.3 Notice of Hearing

The planning commission shall hold a hearing as required by Chapters 3 and 4, of Title 13, Tennessee Code, on each plat brought before it.

2-103.4 Preliminary Approval

After the planning commission has reviewed the preliminary plat, construction plans, exhibits, and the results of administrative review, the applicant shall be advised of any required changes. The planning commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days after date of the regular meeting of the planning commission at which the hearing on preliminary approval, including adjourned date thereof, is closed.

A certificate of preliminary approval shall be issued by the secretary of the planning commission, upon demand, and the applicant may proceed to apply for final subdivision plat approval in the manner prescribed by Section 2-104, of these regulations.

After the planning commission approves, conditionally approves, or disapproves the preliminary plat, one (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval thereon. If a preliminary plat is disapproved the planning commission shall state specific reasons for disapproval which shall be entered into the minutes of the meeting.

Before the planning commission approves a preliminary plat showing land for any public use, the planning commission shall obtain approval for the land reservation from the appropriate governmental agency.

2-103.5 Public Improvements

The planning commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat by the secretary of the planning commission. If the planning commission does not require that all public improvements be installed and dedicated prior to signing of the final subdivision plat, an adequate performance bond shall be approved. The amount of such bond shall be established by the planning commission based upon the recommendation of the appropriate governmental representative or by receipt of cost bids from two (2) or more independent contracting firms equal to the cost of all necessary improvements plus an additional five (5) percent to cover inflation shall be added. It is the subdivider's responsibility to furnish these estimates to the planning commission.

Such bond shall be submitted by the applicant at the time of application for final subdivision plat approval. The planning commission shall require the applicant to indicate on the plat all public ways and improvements to be dedicated; all districts for water, fire, and utility improvements which shall be required to be established or extended; and any other special requirements deemed necessary by the planning commission in order for the subdivision plat to conform to the major street or road plan and the land development plan for the jurisdictional area.

2-103.6 Effective Period of Preliminary Approval

The approval of a preliminary plat shall be effective for a period of twelve (12) months, at the end of which time final approval of the subdivision plat must have been obtained from the planning commission, although the plat need not have been signed and filed with the county register. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new plat for

approval subject to any zoning provisions and the subdivision regulations currently in effect. Prior to the expiration of the preliminary approval and upon proper request by the developer, the approval may be extended for one (1) additional year if the commission deems such to be advisable based upon progress made in developing the subdivision.

2-103.7 Zoning Regulations

Every plat shall conform to any existing zoning regulations and subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to such zoning ordinance or these regulations rendering the plat nonconforming as to bulk, use, or development standards, provided, that final approval is obtained within the effective period of preliminary approval set forth in Subsection 2-103.6, herein.

2-104 Final Subdivision Plat (Minor and Major Subdivision)

2-104.1 Application Procedure and Requirements

A subdivider shall file with the planning commission a final plat. The plat shall be prepared in accordance with Section 5-104, and:

1. include the entire subdivision, or section thereof, for which final approval is sought;
2. be accompanied by a minimum of five (5) copies of the final subdivision plat as described herein.
3. comply substantially with the preliminary plat, where such plat is required;
4. be presented at the office of the building inspector at least fifteen (15) days prior to the regular meeting of the commission at which it is to be considered;
5. be accompanied by formal irrevocable offers of dedication to the public of all public ways and uses, utilities, parks, and easements, in a form approved by legal counsel, as applicable. (The subdivision plat shall be marked with a notation indicating the formal offers of dedication as shown in Article V, of these regulations.);
6. be accompanied by a performance bond, if required, in a form satisfactory to legal counsel and in an amount adequate to complete the required improvements. It shall include provisions that the principal of the bond shall comply with all the terms of the resolution of final subdivision plat approval, as determined by the planning commission, including, but without limitations, the performance of all required subdivision and offsite improvements, and that all improvements and land included in the irrevocable offers of dedication shall be dedicated to the planning commission free and clear of all liens and encumbrances on the premise(s);
7. be accompanied by written assurance from any public utility companies serving the area of the subdivision that necessary utilities will be installed and by proof that the applicant has submitted petitions in writing for the creation or extension of any utility districts as required by the planning commission upon preliminary plat approval; and

8. be accompanied, if the final plat contains open space, or recreational facilities, of if any portion of the site is in common ownership, by the following documentation for approval by the planning commission:
- (a) plans for improvement and maintenance of the open space or facilities located thereon;
 - (b) articles of incorporation and bylaws of the co-owners association or other legal entity (where open space or facilities are to be deeded to a co-owners association by similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision; and
 - (c) declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.

2-104.2 Endorsement of Notations

The notations and certifications required by Subsection 5-104.3, of these regulations, to appear upon the final plat shall be endorsed by appropriate officials and other persons prior to application for final subdivision plat approval, except that the certificate of planning commission approval shall be signed at the time specified in Section 2-105, of these regulations.

2-104.3 Hearing and Decision on Final Plat

The planning commission shall hold a hearing as required by Section 13-4-404 and 13-4-304, Tennessee Code, on each final plat brought before it. The planning commission shall, within sixty (60) days after submission of the plat, approve, modify, or disapprove the final subdivision plat by resolution, which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed one (1) year from the date of final resolution.

State law
30 days

Failure of the planning commission to act upon a plat within the prescribed time shall be deemed approval of the plat, and in such event, a certificate of approval, entitling the subdivider to proceed as specified in Subsection 2-104.4 and Section 2-105, of these regulations, shall be issued, upon demand, by the secretary of the planning commission. The applicant, however, may agree to an extension of the time for planning commission review.

One (1) copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval noted thereon.

2-104.4 Vested Rights

No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the secretary of the planning commission. All requirements, conditions, or regulations adopted by the planning commission, applicable to the particular subdivision or to all subdivisions generally, shall be deemed a condition of approval for any

subdivision prior to the time of the signing of the final plat by the secretary of the planning commission. Where the planning commission has required the installation of improvements prior to the signing of the final plat, the planning commission shall not modify unreasonably the conditions set forth in the resolution of final approval.

2-105 Signing and Recording of Subdivision Plat

2-105.1 Signing of Plat

1. When a bond is required, the secretary of the planning commission shall endorse approval on the plat after the bond has been approved by the planning commission and after all the conditions of the resolution pertaining to the plat have been satisfied.
2. When installation of improvements is required, the secretary of the planning commission shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the planning commission as shown on certifications by the appropriate governmental representative(s) that necessary land dedications and improvements have been accomplished.
3. When the conditions of this section are satisfied, the secretary shall sign the permanent reproducible original of the subdivision plat.

2-105.2 Recording of Plat

It shall be the responsibility of the building inspector to file plat with the county register's office within twenty-one (21) days of the date of signature. Simultaneously, with the filing of the plat, the building inspector shall record the agreement of dedication together with such legal documents as shall be required to be recorded by legal counsel.

2-105.3 Sectionalizing Major Subdivision Plats

Prior to granting final approval of a major subdivision plat, the planning commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of each section as it may deem necessary to assure the orderly development of the subdivision.

The planning commission may require that a performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. The developer also may file irrevocable offers to dedicate public ways and improvements in the section offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the planning commission, shall be granted concurrently with final approval of the plat. Such authorized sections must contain at least ten (10) percent of the total number of lots contained in the proposed plat unless a specific waiver of this requirement is granted by the planning commission.

ARTICLE III

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

3-101 Improvements and Performance Bond

3-101.1 Completion of Improvements

Before the final subdivision plat is signed by the planning commission officer specified in Subsection 2-105.1, of these regulations, all applicants shall complete, in accordance with the planning commission's decision and to the satisfaction of the appropriate governmental representative, all public way, sanitary, and other improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations and approved by the planning commission, and shall dedicate such improvements to the appropriate governing body free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

3-101.2 Surety Instrument

The planning commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat by providing that, as an alternative, the applicant post a bond at the time of submission for final subdivision approval in an amount estimated by the planning commission as sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incompleting portion of required improvements. (See Subsection 2-103.5).

Such performance bond shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the planning commission in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not exceed two (2) years from date of final approval.

Such bond shall be approved by the planning commission as to amount and conditions. The planning commission may, upon proof of difficulty, extend the completion date set forth in such bond for a maximum period of one (1) additional year. The planning commission may accept at any time during the period of such bond a substitution of principal.

3-101.3 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the planning commission, and shall maintain them to a reasonable satisfaction for the period specified by the planning commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the planning commission a separate suitable bond for temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

3-101.4 Costs of Improvements

All required improvements shall be made by the applicant at his expense. Any provisions for reimbursement by the governing body or any utility agency shall be stipulated clearly in the provisions of any bonds.

3-101.5 Governmental Units

Governmental units to which these bonds and contract provisions apply may file, in lieu of said contract or bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf agreeing to comply with the provisions of this article.

3-101.6 Failure to Complete Improvements

In subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the planning commission in the resolution approving the plat, the approval shall be deemed to have expired. In those cases in which a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the planning commission thereupon may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

3-101.7 Acceptance of Dedication Offers

Acceptance of formal offers of dedication of public ways, easements, and parks shall be by formal action of the governing body. Such action shall be in the form of a resolution recommended by the planning commission to the governing body. The approval by the planning commission of a subdivision plat shall not be deemed to constitute or imply an acceptance by the local government of any public way, easement, or other ground shown on the plat. The planning commission may require the plat to be endorsed with appropriate notes to this effect.

3-101.8 Dedication and Acceptance of Completed Improvements

An offer to dedicate completed improvements to the Town of Chapel Hill, including but not limited to: public ways, alleys, walks, common areas, parks, other open areas, and public infrastructures, shall be presented to the Chapel Hill Board of Mayor and Aldermen.

In order to constitute acceptance by the Town of Chapel Hill, the offer of dedication must be formally accepted and documented in an officially convened meeting by the Board of Mayor and Aldermen.

3-102 Inspection of Improvements

3-102.1 General Procedure

The planning commission may provide for inspection of required improvements during construction and ensure their satisfactory completion. If the appropriate governmental representative finds upon inspection that any of the required improvements have not been

constructed in accordance with the governing body's construction standards and specifications, the applicant shall be responsible for completing the improvements to the required standards. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be liable severally and jointly for completing said improvements according to specifications.

3-102.2 Release or Reduction of Performance Bond

3-102.201 Certificate of Satisfactory Completion

The planning commission shall not recommend dedication of required public improvements nor shall the planning commission release nor reduce a performance bond until the appropriate governmental representative submits a certificate stating that all required improvements have been satisfactorily completed, and until the applicant's engineer or surveyor has certified to the planning commission and the appropriate governmental representative (through submission of a detailed "as built" survey of the subdivision indicating location, dimensions, construction materials, and any other information required by the planning commission) that the layout and the line and grade of all public improvements are in accordance with the approved construction plans for the subdivision. Upon such approval and recommendation, the governing body, thereafter, may accept the dedicated improvements in accordance with the procedures set forth in Subsections 1-112.107 and 3-101.7, of these regulations.

3-102.202 Reduction of Performance Bond

A performance bond may be reduced upon actual dedication and acceptance of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty-five (25) percent of the principal amount prior to final acceptance of all items covered under the bond.

3-103 Maintenance of Improvements

The applicant shall be required to maintain all improvements including all lot improvements, until acceptance of the public improvements by the governmental body.

The applicant may be required to file a maintenance bond with the planning commission prior to dedication, in an amount considered adequate by the appropriate governmental representative and in a form satisfactory to legal counsel in order to assure the satisfactory condition of the required improvements, including all lot improvements, for a period of one (1) year after the date of acceptance of the public improvements by the planning commission.

3-104 Deferral or Waiver of Required Improvements

The planning commission may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interest of the public health, safety, and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

Whenever it is deemed necessary by the planning commission to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or other reasons, the developer shall either pay his share of the costs of the future improvements to the planning commission prior to signing of the final subdivision plat by the appropriate governmental representative(s) or post a bond or other surety instrument ensuring completion of said improvements upon demand of the planning commission.

3-105 Escrow Deposits for Lot Improvements

3-105.1 Acceptance of Escrow Funds

Whenever, by reason of the season of the year, any lot improvements required by these regulations cannot be performed, the building inspector nevertheless may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the appropriate governmental representative for the cost of such improvements; provided, there otherwise is no danger to the health, safety, or general welfare. The performance bond covering such lot improvements shall remain in full force and effect.

3-105.2 Procedures on Escrow Fund

All required improvements for which escrow moneys have been accepted by the building inspector at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been installed properly at the end of the time period, the building inspector shall provide written notice of two (2) weeks to the developer requiring him to install the improvements, and in the event they are not installed properly, in the judgment of the building inspector, he may request the planning commission to proceed to install or to contract for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow moneys are being deposited, the applicant shall obtain and file with the building inspector, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser(s) of the premise authorizing the building inspector to install the improvements at the end of the nine (9) month period in the event the improvements have not been installed properly by the developer.

3-106 Issuance of Building Permits and Certificates of Occupancy

- A. Where a performance bond has been required for a subdivision, or any section of a subdivision, no certificate of occupancy for any building in the subdivision or section thereof shall be issued prior to the completion and dedication of the improvements to the appropriate governmental unit, as required in the planning commission's resolution of final approval of the subdivision plat.
- B. The extent of public way improvements shall be adequate for vehicular access by the prospective occupant and by police and fire equipment prior to the issuance of an occupancy certificate. The developer shall at the time of the dedication submit monies in escrow to the planning commission in a sum to be determined by the appropriate governmental representative.

- C. No building permit shall be issued for the final ten (10) percent of lots in a subdivision, or if ten (10) percent be less than two (2) lots, for the final two (2) lots of a subdivision, until all public improvements required by the planning commission's resolution of final plat approval have been fully completed, dedicated, and accepted by the governmental body.

ARTICLE IV

REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN

4-101 General Requirements

4-101.1 Conformance to Applicable Rules and Regulations

In addition to the requirements established herein, all subdivision plats shall comply with all applicable laws, ordinances, resolutions, rules, or regulations, including, but not limited to:

1. all applicable provisions of Tennessee Law, regulations, or policy;
2. any zoning ordinance, any building and housing codes, and all other applicable laws or policies of the planning commission;
3. the adopted general plan and major road or street (public way) plan;
4. the rules of the county health department and the Tennessee Department of Environment and Conservation;
5. the rules, as applicable, of the Federal Highway Administration or Tennessee Department of Transportation, if the subdivision or any lot contained therein abuts a nonlocal highway; and
6. the standards and regulations adopted by all other boards, commissions, and agencies of the planning commission, where applicable.

Plat approval may be withheld if a subdivision is not in conformity with the above rules or with the provisions set forth in Section 1-104, of these regulations.

4-101.2 Self-Imposed Restrictions

If the owner places restrictions on any of the land contained in the subdivision greater than those required by any zoning ordinance or these regulations, such restrictions or reference thereto shall be recorded with the county register on a separate form, along with the final subdivision plat in the office of the county register.

4-101.3 Monuments

The subdivider shall place permanent reference monuments on the subdivision as required herein and as approved by a licensed surveyor. Monuments shall be located and set as follows.

1. Monuments shall be located on public way right-of-way lines, at public way intersections, and sections, and at the beginning and ending point of curves. All monuments shall be spaced so as to be within sight of each other.

2. The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete not less than two feet-six inches (2'-6") in length; nor less than four (4) inches square or five (5) inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. These monuments shall be placed not more than fourteen hundred (1,400) feet apart in any straight line and at all corners or breaks at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a public way or proposed future public way, the monuments shall be placed on the side line of the public way.
3. All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. Such monuments shall be placed at each end of all curves, at a point where a river changed its radius, and at all angle points in any line. All lot corners not falling on any of the above described points shall be marked by iron rods, pipe, or pins at least eighteen (18) inches long and five-eighths (5/8) inch in diameter.
4. The lines of lots that extend to rivers or streams shall be monumented in the field by iron pins at least eighteen (18) inches long and five-eighths (5/8) inch in diameter or by round or square iron bars at least eighteen (18) inches long. Such pins shall be placed at the point of intersection of the river or stream and lot line, with a meander line established not less than twenty (20) feet back from the bank of the river or stream.
5. All monuments and pins shall be properly set in the ground and approved by a licensed surveyor prior to the time the planning commission recommends approval of the final plat or release of the bond where bond is made in lieu of improvements.

4-101.4 Character of the Land

Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which would be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the planning commission, upon recommendation of any staff assistant serving the planning commission and/or other governmental representative, if any, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses as will not involve such a danger.

Where protection against flood damage is necessary, in the opinion of the planning commission, flood-damage protection techniques may include, as deemed appropriate by the planning commission:

1. the imposition of any surety and deed restrictions enforceable by the planning commission to regulate the future type and design of uses within the flood prone areas; and

2. flood protection measures designed so as not to increase, either individually or collectively, flood flows, height, duration, or damages, and so as not to infringe upon the regulatory floodway.
3. installation of flood warning systems.
4. the use of fill, dikes, levees, and other protective measures.
5. the use of floodproofing measures, which may include:
 - (a) anchorage to resist flotation and lateral movement.
 - (b) installation of watertight doors, bulkheads, shutters, or other similar methods of closure.
 - (c) reinforcement of walls to resist water pressures.
 - (d) use of paints, membranes, or mortars to reduce seepage through walls.
 - (e) addition of mass or weight to structures to resist flotation.
 - (f) installation of pumps to lower water levels in structures.
 - (g) construction of water supply and waste treatment systems so as to prevent the entrance of or contamination of flood waters.
 - (h) installation of pumps or comparable facilities for subsurface drainage systems to relieve external foundation wall and basement flood pressures.
 - (i) building design and construction to resist rupture or collapse caused by water pressure of floating debris.
 - (j) installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm water into buildings or structures.
 - (k) location and installation of all electrical equipment, circuits, and appliances so that they are protected from inundation by the regulatory flood.
 - (l) location of storage facilities for chemicals, explosives, buoyant material, flammable liquids, or other toxic materials which would be hazardous to the public health, safety, and welfare at or above the regulatory flood protection elevation, or design of such facilities to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials.

The acceptability of any flood protection methods formulated by the subdivider or his agent shall be determined by the planning commission, which shall be guided by the policies set forth in Section 1-104 and Subsection 2-101.4, of these regulations.

All such flood protection measures shall be designed so as not to increase, either individually or collectively, flood flows, heights, duration, or damages so as not to infringe upon the regulatory floodway.

4-101.5 Subdivision Name

The proposed name of the subdivision shall not duplicate or too closely approximate phonetically the name of any other subdivision in the area covered by these regulations. The planning commission shall have authority to designate the name of the subdivision which shall be determined at sketch or preliminary plat approval.

4-102 Lot Requirements

4-102.1 Lot Arrangement

4-102.101 General

The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, flood hazards, or other conditions in securing building permits to build on all lots in compliance with any zoning ordinance and state and county public health department regulations and in providing driveway access to buildings on such lots from an approved public way.

4-102.102 Solar Access

Where reasonably feasible lot arrangement shall be such that building sites will afford maximum utilization of energy conservation measures, such as providing for solar access.

4-102.103 Lots Subject to Flood

Where a lot in any flood prone area must be improved to provide a building site free from flooding, such improvements shall be made outside the floodway by elevation or fill to at least the regulatory flood protection elevation (one hundred-year flood) for a distance extending at least twenty-five (25) feet beyond the limits of intended structures and, additionally, extending a sufficient distance to include areas for subsurface sewage disposal if the lot is not to be connected to a public sanitary sewer system. Any fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

In nonresidential building sites outside a floodway but subject to flooding, the use of structural floodproofing methods specified in Subsection 4-101.4, of these regulations, as an alternative to landfill, may be approved by the planning commission, as provided in Subsection 2-101.4, of these regulations.

4-102.104 Lots Located on Steep Slopes

Due to the potential threat to health and safety posed by development located on lands with slopes in excess of fifteen (15) percent, the following regulations shall apply.

- a. Site Development Plan Required -- No building permit shall be issued for a building or any lot with slopes fifteen (15) percent or over until a site plan meeting the following requirements has been approved by the planning commission. Said site plan shall show:

- (i) The exact size, shape, and location of the lot,
- (ii) The proposed location of all buildings, driveways, drainageways, and utilities,
- (iii) Proposed contours at vertical intervals of no more than five (5) feet,
- (iv) The extent of natural tree cover and vegetation,
- (v) The location of any onsite soil absorption sewage disposal systems,
- (vi) The type and location of erosion control methodology.
- (vii) The surveyor's or engineer's stamp that prepared the plan,
- (viii) Certification as to the stability of the structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered civil or geotechnical engineer.

b. Site Development Standards -- The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in Subsection 4-102.104, a, (viii), above, shall address these standards.

- (i) Natural vegetation shall be preserved to the maximum extent possible,
- (ii) Natural drainageways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques,
- (iii) Development densities shall be limited to one (1) dwelling unit per two (2) acres of land,
- (iv) Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible which will permit reasonable development of the site. These include filling, irrigation systems, accessory buildings, and onsite soil absorption sewage disposal systems,
- (v) Where sanitary sewers are not available any onsite sewage disposal system shall be shown on the site plan and located to avoid slide-prone areas. Said system shall be approved by the county health department prior to the planning commission's review taking into account these requirements,
- (vi) Erosion control measures shall be employed to prevent all soil material from leaving the site. Additionally, soil from excavation on the site shall not be disposed as fill on a potential slide area,

- (vii) No construction which would cut the top of the slope shall be permitted. This shall apply as well to subdivision roads constructed in compliance with these regulations.

4-102.2 Lot Dimensions

Lot dimensions shall comply with the minimum standards of any zoning ordinance, where applicable. Where lots are more than double the minimum area required by any zoning ordinance, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with any zoning ordinance and these regulations. Generally side lot lines shall be at right angles to street lines or radial to curving street lines.

The minimum lot frontage on a public way shall be fifty (50) feet, except for radius of a cul-de-sac which shall be thirty (30) feet.

Dimensions of the corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback requirements from both public way rights-of-way.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, and as established in any zoning ordinance.

4-102.3 Building Setback Lines

In the case of electric transmission lines where easement widths are not definitely established, a minimum building setback line from the center of the transmission line shall be established as follows:

<u>Voltage of Line</u>	<u>Building Setback</u>
7.2 KV	15 feet
13 KV	25 feet
46 KV	37 1/2 feet
69 KV	50 feet
161 KV	75 feet

4-102.4 Double Frontage Lots and Access to Lots

4-102.401 Double Frontage Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials, or to overcome specific disadvantages of topography and orientation.

4-102.402 Access from Arterial or Collector Public Ways

The planning commission may require that lots shall not derive access exclusively from arterial or collector public ways. Where driveway access from such public ways

may be necessary for several adjoining lots, the planning commission may require that the lots be served by a combined access drive in order to limit possible traffic hazards. Driveways shall be designed and arranged so as to avoid requiring vehicles to back onto arterial or collector public ways.

4-102.5 Soil Preservation, Grading, Erosion Control, and Seeding

4-102.501 Soil Preservation and Final Grading

No certificate of occupancy shall be issued until final grading has been completed in accordance with the approved construction plan and the lot precovered with soil having an average depth of at least six (6) inches and containing no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets or where the grade has not been changed or natural vegetation seriously damaged.

Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between any sidewalks and curbs, and be stabilized by seeding or planting.

4-102.502 Lot Drainage

Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area which includes subsurface drainage. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

The planning commission reserves the right to set minimum elevations on all floors, patios, and building equipment. This prerogative to establish elevation exists in addition to any ordinances that refer to floodplain elevation requirements. The content of the preceding paragraph is to give summary review powers over any calculated or historical evidence of storm water presence in overland or channel conditions.

The subdivision developer will insure that all artesian ground waters of a permanent or temporary nature will be intercepted and carried away to primary drainage conduits along swaled ditches or in underground pipes on property line easements. Regardless of the location of property lines, intercept will be allowed by the planning commission at the point of artesian surfacing. The intent of this paragraph is to prevent flooding by overland flow. The developer is obligated to perform this work upon evidence of artesian water for a period of one (1) year following acceptance of all roads and utilities.

Any sinkhole or natural channel which serve at any time as a means of moving ground water into the subterrean serves will be protected by structure as approved by the planning commission. The allowed alternative to this is the construction of an alternative means of storm water relief as approved by the planning commission. In any event, location and elevation of future construction will be designated to allow for the worst possible conditions.

4-102.503 Erosion and Sediment Control

There shall be a minimization of changes in the rate of natural erosion and sedimentation which result from the development process. An erosion and sediment control plan shall be presented with the construction plans submitted in conformance with Section 5-103, of these regulations. Such plans shall incorporate the following principals:

- a. clearing and grading shall be integrated with layout design;
- b. clearing shall be minimized and existing vegetation shall be preserved to the maximum feasible degree;
- c. grading shall be strictly limited to those areas involved in current construction activities;
- d. disturbed areas shall be protected and stabilized as soon as possible;
- e. structural and vegetative measures to control the velocity and volume of runoff shall be required;
- f. sediment basins and traps shall be required as necessary;
- g. adequate maintenance of all planting and structures measures shall be assured.

4-102.6 Debris and Waste

No cut trees, timber, debris, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on any lot or public way at the time of the issuance of a certificate of occupancy for the lot, and removal of such waste shall be required prior to issuance of any certificate of occupancy. Neither shall any such waste be left nor deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

4-102.7 Fencing

Each subdivider or developer shall be required to furnish and install all fences wherever the planning commission determines that a hazardous condition exists. Such fences shall be constructed according to standards established by the planning commission, as appropriate, and shall be noted on the final plat as to height and required materials. No certificate of occupancy shall be issued for any affected lot until such fence improvements have been installed.

4-102.8 Water Bodies and Watercourses

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The planning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a governmental responsibility.

No more than ten (10) percent of the minimum area of a lot required under any zoning ordinance may be satisfied by land which is under water. Where a watercourse separates a buildable area of a lot from the public way by which it has access, provisions shall be made for installation of a culvert or other structure approved by the planning commission and no certificate of occupancy shall be issued for a structure on such a lot until the installation is completed and approved by the planning commission and/or the appropriate governmental representative.

4-103 Public Ways

4-103.1 General Requirements

4-103.101 Frontage on Improved Public Ways

No subdivision shall be approved unless the area to be subdivided shall meet the requirements for access set forth in Subsection 1-112.109, of these regulations. If any new street construction or improvements are involved, such shall be approved and, where public, dedicated as provided in Articles I and III, of these regulations. Any such public way must be suitably improved to the standards required by this article or be bonded by a performance bond required under these regulations, with the roadway and right-of-way widths required by this article or the major street or road plan.

4-103.102 Grading and Improvement Plan

Public ways shall be graded and improved to conform to the standards required by this section and shall be approved as to design and specification by the appropriate governmental representative in accordance with the specifications required herein. No surface shall be applied to the base of any proposed public way prior to the approval of the final plat of the subdivision or of the final approval of any section of the subdivision in question without having been properly inspected.

4-103.103 Improvements in Floodable Areas

The finished elevation of proposed public ways subject to flood shall be no more than one (1) foot below the regulatory flood protection elevation. The planning commission may require profiles and elevations of public ways to determine compliance with this requirement. All drainage structures shall be sufficient to discharge flood flows without increasing flood height. Where fill is used to bring the finished elevation of any public way to the required elevation, such fill shall not encroach upon a floodway, and the fill shall be protected against erosion by rip-rap, vegetative cover, or other methods deemed acceptable by the planning commission.

4-103.104 Private Streets

Where the ownership, control and maintenance of any street is proposed to remain in private ownership such streets shall be constructed to the design and construction standards for public ways as herein provided. A permanent access easement over such streets shall be provided to each and every parcel or lot which is to gain access therefrom. All such private improvements shall be maintained by the

developer/owner or by a legally established Homeowners' Association or other similar group approved by the planning commission. The legal documents establishing ownership and maintenance of the easement shall be submitted with the final plat for review and approval and shall be recorded with the final plat.

4-103.105 Topography and Arrangement

- a. All public ways shall be arranged so as to obtain as many of the building sites as possible at or above the grades of the public ways. Grades of public ways shall conform as closely as possible to the original topography. A combination of steep grades and curves shall not be permitted. Specific design standards are contained in Subsection 4-103.2, of these regulations.
- b. The use of public ways running in a east-west direction and lots on a north-south axis is encouraged for energy conservation of developments.
- c. All public ways shall be properly integrated with the existing and proposed system of public ways and dedicated rights-of-way as established on the major street or road plan or the land development plan.
- d. All public ways shall be properly related to special traffic generators, such as industries, business districts, schools, churches, and shopping areas or centers; to population densities; and to the pattern of existing and proposed land use.
- e. Minor public ways shall be laid out to conform as much as possible to the topography; to discourage use by through traffic; to permit efficient drainage and utility systems; and to require the minimum ways necessary to provide convenient and safe access to property.
- f. The use of curvilinear streets, cul-de-sac, or "U"-shaped streets shall be encouraged where such use will result in a more desirable layout.
- g. Proposed public ways shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the planning commission, such extension is not necessary or desirable for the coordination of the subdivision design with the existing layout or the most advantageous future development of adjacent tracts.
- h. In business and industrial developments, public ways and other access routes shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

4-103.106 Blocks

- a. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width may be permitted in blocks adjacent to major public ways, railroads, or waterways.

- b. The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (i) provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (ii) any zoning requirements as to lot sizes and dimensions;
 - (iii) needs for convenient access, circulation, control, and safety of vehicular and pedestrian traffic; and
 - (iv) limitations and opportunities of topography.
- c. Block lengths in residential areas shall not exceed sixteen hundred (1,600) feet nor be less than two hundred (200) feet, except as the planning commission deems necessary to secure efficient use of land or desired features of the public way pattern. Wherever practicable, blocks along arterial or collector routes shall not be less than one thousand (1,000) feet in length.
- d. Blocks designed for industrial or commercial uses shall be of such length and width as may be deemed suitable by the planning commission.
- e. In any long block, the planning commission may require the reservation of an easement through the block to accommodate utilities, drainage, facilities, and/or pedestrian traffic.

A pedestrian walkway, not less than ten (10) feet wide, may be required by the planning commission through the approximate center of any block more than eight hundred (800) feet long, where deemed essential to provide circulation or access to a school, playground, shopping center, transportation facility, or other community facility.

4-103.107 Access to Arterials and Collectors

Where a subdivision borders on or contains an existing or proposed arterial or collector route, the planning commission may require that access to such public way be limited by:

- a. the subdivision of lots so as to back on the arterial or collector route and front on a parallel minor route;
- b. a series of cul-de-sac, "U" shaped public ways, or short loops entered from and designed generally at right angles to such a parallel public way, with the rear lines of their terminal lots backing onto the arterial or collector route; or
- c. a marginal access or service public way, separated from the arterial or collector route by a planting or grass strip and having access thereto at suitable points.

The number of residential or local public ways entering on arterial or collector routes shall be kept to a minimum.

4-103.108 Reserve Strips

The creation of reserve strips adjacent to a proposed public way in such a manner as to deny access from adjacent property to such public way shall generally not be permitted.

However, in extraordinary circumstances the planning commission may allow creation of a reserve strip to enable a more appropriate pattern of lots or public ways. Where such is created the planning commission must agree to any and all future depositions of same. A notation to this effect shall be entered on the final plat or approved as an auxiliary instrument attached thereto.

4-103.109 Arrangement of Continuing and Dead-End Public Ways

- a. Arrangement of Continuing Public Ways -- The arrangement of public ways shall provide for the continuation of major public ways between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, efficient provision of utilities, and when such continuation is in accordance with the major street or road plan. If the adjacent property is undeveloped and the public way must be a dead-end public way temporarily, the right-of-way shall be extended to the property line. A temporary cul-de-sac, temporary T-, or L-shaped turnabout shall be provided on all temporary dead-end public ways as required in the following turnabout standards, with a notation on the subdivision plat that land outside the normal public way right-of-way shall revert to abutting property owners whenever the public way is continued.
- b. Dead-End Public Ways -- Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general, be limited in length in accordance with the design standards of these regulations.

4-103.2 Design Standards

4-103.201 Purpose

In order to provide public ways of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, fire-fighting, sanitation, and road-maintenance equipment, and to coordinate public ways so as to compose a convenient and safe system and avoid undue hardships to adjoining properties, the public way design standards set forth in this section are hereby required. (Public way classification shall be as indicated on the land development plan or major street or road plan; otherwise, the public way shall be classified by the planning commission according to the definitions in Article VI, of these regulations.)

4-103.202 General Design

The general design of all public ways shall conform to the standards in the tables entitled "General Design Standards for Public Ways", which follow hereafter.

4-103.203 Intersections

- a. Public ways shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new public ways at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique public way should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) public ways shall intersect at any one point unless specifically approved by the planning commission.
- b. Proposed new intersections along one side of an existing public way shall coincide, wherever practicable, with any existing intersections on the opposite side of such public way. Jogs within public ways having center line offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected public ways have separated dual drives without median breaks at either intersection. Where public ways intersect arterial or collector routes, their alignment shall be continuous. Intersections of arterial or collector public ways shall be at least eight hundred (800) feet apart.
- c. Minimum curb radius at the intersection of two (2) minor public ways shall be twenty-five (25) feet, and minimum curb radius at an intersection involving a collector public way shall be thirty (30) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- d. Where a public way intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide adequate sight distance.
- e. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting public way.
- f. The cross-slope on all public ways, including intersections, shall be three (3) percent or less.

4-103.204 Excess Right-of-Way

A slope easement in excess of the right-of-way designated in these regulations may be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be less than three to one (3:1). Where solid rock is encountered slopes shall be one-half to one (1/2:1).

GENERAL DESIGN STANDARDS FOR PUBLIC WAYS

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL: OTHER)
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Minimum Right-of-Way Width (in Feet)

Minor	50	60
Collector	60	60 or (See *Below)
Arterial	*	*

Minimum Width of Roadway or Paved Area (in Feet) not Including Parking Requirements

	<u>Ditch Section</u>	<u>Curb & Gutter</u>	<u>Ditch Section</u>	<u>Curb & Gutter</u>
Minor	24	28	24	38
Collector	24	38	24	38
Arterial	(See * Below)			(See * Below)

Maximum Percentage Grade

Minor	10	6
Collector	7	6
Arterial	6	5

Pavement Crown

The paved surface shall slope downward from the centerline of the street outward to the edge of the paved surface on each side 2/5ths of an inch per foot.

Minimum Center Line Radius of Curve (in Feet)**

Minor	100	200
Collector	300	300
Arterial	500	500

* As determined by appropriate governmental representative.

** Applies where a deflection angle of 15 degrees or more in the alignment of pavement occurs.

GENERAL DESIGN STANDARDS FOR PUBLIC WAYS – (Continued)

IMPROVEMENT	RESIDENTIAL PUBLIC WAY	NONRESIDENTIAL PUBLIC WAY (INDUSTRIAL, COMMERCIAL: OTHER)
<u>Minimum Length of Vertical Curves</u>		
Minor	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Collector	100 feet, but not less than 20 feet for each algebraic difference in grade.	
Arterial	300 feet, but not less than 50 feet for each algebraic difference in grade.	
<u>Minimum Length of Tangents Between Reverse Curves (in Feet)</u>		
Minor	100	200
Collector	100	200
Arterial	300	400
<u>Minimum Sight Distance (in Feet)*</u>		
Minor	200	250
Collector	240	250
Arterial	300	400
Intersection	Across Corners 75 Feet Back	Across Corners 75 Feet Back
<u>Minimum Turnaround on Cul-de-sacs on Minor Public Ways (in Feet)</u>		
Right-of-way Diameter	100	160
Pavement Diameter	80	140
<u>Length of Cul-de-sac</u>		
Permanent	1,000 Feet	
Temporary	1,000 Feet	
<u>Minimum Radius (in Feet) of Return at Intersections</u>		
At Right-of-way	25	30
At Pavement	30	50

* The sight distance is measured from a point 4 1/2 feet above the center line of the roadway surface to a point 4 inches above the center line of the roadway surface.

4-103.205 Railroads and Limited Access Highways

Railroad right-of-way and limited access highways, where so located as to affect the subdivision of adjoining lands, shall be treated as follows:

- a. In residential areas, a buffer strip at least twenty-five (25) feet in depth in addition to the normally required depth of the lot may be required adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening; the placement of structures hereon is prohibited."
- b. In commercial or industrial areas, the nearest public way extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial usage.
- c. Public ways parallel to a railroad, when intersecting a public way which crosses the railroad at grade, shall to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

4-103.206 Bridges

Bridges of primary benefit to the subdivider, as determined by the planning commission, shall be constructed at the full expense of the subdivider without reimbursement from the planning commission. The sharing of expenses for the construction of bridges not of primary benefit to the subdivider, as determined by the planning commission, shall be fixed by special agreement between the planning commission and the subdivider. The cost shall be charged to the subdivider pro rata as to the percentage of his development so served.

4-103.3 Right-of-Way Width Dedication on Existing Public Ways

Where a subdivision adjoins an existing narrow public way or where the major street or road plan or any zoning setback provisions indicate plans for realignment or widening of a public way that would require use of some of the land in the subdivision, the subdivider shall be required to dedicate, at his expense, areas for widening or realigning such public way as set forth below:

1. the entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing public way; or
2. when the subdivision is located on only one side of an existing public way, one-half (1/2) of the required right-of-way, measured from the center line of the existing pavement, shall be provided.

4-103.4 Public Way Surfacing and Improvements

After underground utilities have been installed, the subdivider shall construct curbs or curbs with gutters, where required, and shall surface or cause to be surfaced public ways to the widths prescribed in these regulations. No public way shall be surfaced until preliminary

approval of the subdivision plat has been obtained. Surfacing shall be of such character as is suitable for the expected traffic. Types and methods of paving shall be according to the specifications of the planning commission, but in no event shall such construction be below the construction specifications set forth in Appendix B, of these regulations. Adequate provisions shall be made for culverts or other drains, and bridges, as required. Additionally, all public way and/or street paving ordinances promulgated and adopted by the Town of Chapel Hill shall apply to all public way surfacing and improvements.

All public ways pavements, shoulders, drainage improvements and structures, any curb turnabouts, and sidewalks shall conform to all construction standards and specifications adopted by the planning commission and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

4-104 Road Construction Specifications

The minimum crushed stone base for all residential streets shall be eight (8) inches. All further road constructions specifications are included in these regulations as Appendix B, and are adopted as a part, hereof. These specifications shall be the minimum standards for any subdivision within the jurisdictional area.

4-105 Drainage and Storm Sewers

4-105.1 General Requirements

The planning commission shall not approve any plat of a subdivision which does not make adequate provisions for storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system.

4-105.2 Nature of Storm water Facilities

4-105.201 Location

The subdivider may be required by the planning commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the subdivision. Such drainage facilities shall be located in the public way right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in these regulations.

4-105.202 Accessibility to Public Storm Sewers

- a. Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted by the building inspector to assure compliance.
- b. If a connection to a public storm sewer will be provided eventually, as determined by the planning commission, the subdivider shall make arrangements for future storm water disposal by a public system at the time the plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the performance bond required for the final subdivision plat.

4-105.203 Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted by any zoning ordinance.

4-105.204 Effect on Downstream Drainage Areas

The planning commission also shall study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provision has been made for adequate improvement of such drainage facilities in such sum as the planning commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

4-105.205 Areas of Poor Drainage

Whenever a plat is submitted for an area which is subject to flooding, the planning commission may approve such subdivision; provided, that the applicant fills the affected floodway fringe area of said subdivision to place public way elevations at no more than twelve (12) inches below the regulatory flood elevation and first floor elevations (including basements) at no less than one (1) foot above the regulatory flood elevation. The plat of such subdivision shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. The boundaries of the floodway and floodway fringe area, and the regulatory flood elevation, shall be determined by the planning commission based upon the review specified in Subsection 2-103.2, of these regulations, and the submission of flood data in construction plans as specified in Section 5-103, of these regulations.

4-105.206 Floodplain Areas

The planning commission may when it deems it necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any subdivision which contains flood prone land shall be subject to the special provisions set forth in Subsections 2-101.4; 4-101.4; Section 4-104; and Subsection 4-105.2, of these regulations.

4-105.3 Dedication of Drainage Easements

4-105.301 General Requirements

Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming

substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainageways are utilized they shall be designed for the twenty-five (25) year frequency flood.

4-105.302 Drainage Easements

- a. Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a public way right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the public way lines and with satisfactory access to public ways. Easements shall be indicated on the preliminary and final plats. Drainage easements shall be carried from the public way to a natural watercourse or to other drainage facilities.
- b. When a new drainage system is to be constructed which will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- c. The applicant shall dedicate, when required by the planning commission, either in fee, or by drainage or conservation easement, the land on both sides of an existing watercourse to a distance to be determined by the planning commission.
- d. Along watercourses, low-lying lands within any floodway, as determined by the planning commission pursuant to Section 2-103, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

4-105.303 Ditching and Culverts

The design and construction details of drainage facilities shall be in accordance with the provisions of these regulations. When culverts are required, they shall be a minimum of fifteen (15) inches in diameter. The design and construction details of all such facilities shall be approved by the appropriate governmental representative.

4-106 Water Facilities

4.106.1 General Requirements

1. Necessary action shall be taken by the developer to extend a water supply system capable of providing domestic water use and fire protection.
2. Where a public water main is within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall install adequate water facilities, including fire hydrants, subject to construction and material specifications approval of the planning commission, the Tennessee Department of Environment and Conservation and these regulations.
3. Where required for fire protection water mains shall not be less than six (6) inches in diameter; where water mains are not to be utilized for fire protection, the planning commission may approve smaller lines, as necessary, to meet potable water demand.

4. All water systems, whether public or private, located in a flood prone area shall be floodproofed to the regulatory flood protection elevation. All water supply facilities located below the regulatory flood protection elevation shall be designed to prevent the infiltration of floodwaters into the water supply system and discharges from the system into floodwaters.

4-106.2 Fire Hydrants

Fire hydrants shall be required in all subdivisions; they shall be located no more than one thousand (1,000) feet apart and be within five hundred (500) feet of any residential, commercial, or industrial lot. However, the planning commission may require closer spacing where physical conditions or types of structures so warrant. To eliminate future public way cutting or openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other water supply improvements shall be installed before any final paving of a public way shown on the subdivision plat, unless otherwise approved by the planning commission.

4-107 Sewage Facilities

4-107.1 General Requirements

The applicant shall install sanitary sewer facilities in a manner prescribed by the regulations of the Tennessee Department of Environment and Conservation and by any other applicable standards and specifications. All plans shall be designed and approved in accordance with the rules, regulations, specifications, and standards, of any applicable governmental agency or appropriate unit thereof.

4-107.2 Mandatory Connection to Public Sewer System

1. When public sanitary sewers are within reasonable access of the subdivision, as determined by the planning commission, the subdivider shall provide sanitary sewer facilities to each lot therein and shall connect the facilities to the public system. The subdivider shall provide sewers which meet standards set forth in the regulations of the Tennessee Department of Environment and Conservation.
2. All sanitary sewer facilities located in a flood hazard area shall be floodproofed to the regulatory flood protection elevation. All sewer facilities located below the regulatory flood protection elevation shall be designed to prevent infiltration of floodwaters into the sewer system and discharges from the system into floodwaters.

4-107.3 Individual Disposal System Requirements

If public sewer facilities are not available and individual disposal systems are proposed, lot areas shall not be less than the minimums specified in these regulations; all pertinent soil absorption tests shall be made as directed by the county environmentalist and the results submitted to the county health department for approval.

The individual disposal system, including the size of the septic tank and size of the tile fields or other secondary treatment device, also shall be approved by the county health department.

The planning commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics. The planning commission may require that the subdivider note on the face of the plat and any deed of conveyance that soil absorption fields are prohibited in designated areas.

4-107.4 Design Criteria for Sanitary Sewers

Sanitary sewer systems shall be designed for the ultimate tributary population based upon appropriate plans and zoning regulations.

The minimum size of a public sewer line shall be eight (8) inches in diameter with individual lot service lines a minimum of four (4) inches.

Sanitary sewers shall be located within a public street right-of-way, unless topography dictates otherwise. Public utility easements shall be provided across private property for access to lines and manholes such easements to be of an adequate width for service purposes, but in no case less than twenty (20) feet.

4-108 Pedestrian Ways

4-108.1 Sidewalks and Bicycle Paths

Sidewalks and bicycle paths, where required by the planning commission, shall be included within the dedicated nonpavement right-of-way of all public ways as indicated in the following table and shall be improved as required by Subsection 4-103.4, of these regulations. Concrete curbs are required for all public ways where sidewalks are to be constructed. A median strip of grassed or landscaped area at least two (2) feet wide shall separate all sidewalks from adjacent curbs.

SIDEWALK DESIGN

<u>Class of Street</u>	<u>Sidewalk Width</u>	
	<u>Residential Public Way</u>	<u>Nonresidential Public Way (Industrial, Commercial; Other)</u>
Minor Public Way	4 feet wide	6 feet wide
Collector Public Way	5 feet wide	6 feet wide
Arterial Public Way	5 feet wide	6 feet wide

4-108.2 Pedestrian Accesses

The planning commission may require, in order to facilitate pedestrian access from the public way to schools, parks, playgrounds, or other nearby public ways, perpetual unobstructed easements at least twenty (20) feet in width. Easements shall be indicated on the plat.

4-109 Utility Easements

- A. Easements down rear lot lines or additionally across lots, if deemed necessary by the planning commission, shall be provided for utilities (private or public). Such easements shall be at least twenty (20) feet wide. The subdivider shall take such actions as are necessary to ensure the coordination and continuation of utility easements established on adjacent properties with those proposed within his development.
- B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within rear lot lines, perpetual unobstructed easements at least twenty (20) feet in width shall be provided along side lot lines with satisfactory access to public ways or rear lot lines. Easements shall be indicated on the plat.
- C. Temporary construction easements exceeding the width of permanent easements may be required as necessary until completion of any one project.

4-110 Public Uses

4-110.1 Plat to Provide for Public Uses

Whenever a tract to be subdivided includes a school, recreation use, a portion of a major public way, or other public use, as indicated on the land development plan and/or major street or road plan, or any portion thereof, such tract shall be suitably incorporated by the developer into his plat when first presented for review by the planning commission.

After proper determination of its necessity by the planning commission and the appropriate governmental representative(s) involved in the acquisition and use of such site, and after a determination has been made to acquire the site by the public agency, the site shall be suitably incorporated by the developer into the plat prior to final approval by the planning commission and recording of the plat.

4-110.2 Referral to the Governmental Agency Concerned

The planning commission shall refer any plat presented in accordance with Subsection 4-110.1, to the governmental agency concerned with acquisition of the land. The planning commission may propose alternate areas for such acquisition and shall allow the appropriate governmental agency thirty (30) days for reply.

Among the areas which the planning commission may propose for public acquisition, when the commission deems it appropriate and consistent with the policies and purposes set forth in these regulations, is any land within a floodway or floodway fringe determined according to the procedure outlined herein.

The acquiring agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be acquired and an estimate of the time required to complete the acquisition.

4-110.3 Notice to Property Owner

Upon receipt of an affirmative report, the planning commission shall notify the property owner and shall designate on all plats any areas proposed to be acquired by any governmental agency. Upon such designation by the planning commission, any reserved portion of any floodway or floodway fringe shall not be altered from its natural state by the development in any manner whatsoever, except upon written approval of the planning commission.

4-110.4 Duration of Land Reservation

The acquisition of land reserved by a governmental agency on the final plat shall be initiated within twenty-four (24) months of notification, in writing, from the owner that he intends to develop the land. Such letter of intent shall be accompanied by a plat of a proposed development and a tentative schedule of construction. Failure on the part of the governmental agency to initiate acquisition within the prescribed twenty-four (24) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development in accordance with these regulations.

4-111 Preservation of Natural Features and Amenities

Existing features which would add value to residential development or to the area as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision, as required by the planning commission. No change of grade of the land shall be affected nor shall any natural features be removed or relocated until a preliminary subdivision plat has been approved by the planning commission.

4-112 Nonresidential Subdivisions

4-112.1 General

If a proposed subdivision includes land which is zoned for a commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the planning commission may require. A nonresidential subdivision also shall be subject to all the requirements of site plan approval set forth in any zoning ordinance. Site plan approval may proceed simultaneously at the discretion of the planning commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards set forth by the planning commission, and shall conform to the proposed land development plan, major street or road plan, and any zoning ordinance.

4-112.2 Standards

In addition to the principles and standards in the regulations, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

1. proposed industrial parcels shall be suitable in areas and dimensions to the types of nonresidential development anticipated;
2. public way rights-of-way and pavements shall be adequate to accommodate the type and volume of traffic anticipated;

3. special requirements may be imposed by the governing body with respect to any public way, curb, gutter, and sidewalk design and construction specifications;
4. special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and storm water drainage;
5. every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed nonresidential subdivision, including the provision of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary; and
6. public ways carrying nonresidential traffic, especially trucks, normally shall not be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE V

SPECIFICATIONS FOR DOCUMENTS TO BE SUBMITTED

5-101 Sketch Plat

5-101.1 General

Sketch plats submitted to the planning commission, prepared in pen or pencil, shall be drawn to a convenient scale no smaller than two hundred feet to an inch (200' – 1").

5-101.2 Features

The sketch plat shall show:

1. a scale drawing of the property and the names of the owners of adjoining property;
2. size of the original tract(s) being subdivided;
3. notation of any existing legal rights-of-way or easements, or other encumbrances affecting the property;
4. approximate topography of the site, at no more than five (5) foot intervals, extended into adjacent properties;
5. any areas which may be affected by flooding;
6. general public way and lot patterns;
7. proposed phasing, if any;
8. vicinity map of property;
9. date and approximate north point;
10. name of owner;
11. name of licensed surveyor; and
12. zoning classification.

5-102 Preliminary Plat

5-102.1 General

The preliminary plat shall be prepared by a licensed surveyor, at a convenient scale no smaller than two hundred feet to an inch (200' – 1"). The plat may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The map prepared for the preliminary plat may be used for the final subdivision plat and should be permanently reproducible.

5-102.2 Features

The preliminary plat shall include:

1. the location of the property to be subdivided with respect to surrounding property(s) and public way(s);
2. the names of all adjoining property owners of record, or the names of adjoining developments;
3. the names of adjoining public ways;
4. the location and dimensions of all boundary lines of the property, figured to the nearest hundredth (100th) of a foot;
5. the location of existing public ways, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, and bridges, as determined by the planning commission;
6. the location and width of all existing and proposed easements, alleys, and other public ways, and building setback lines;
7. the location, dimension, and area of all proposed or existing lots;
8. culverts, driveway tiles, associated drainage structures sized along with necessary easements; electrical and telephone easements;
9. the position of all existing or proposed buildings within proposed condominium developments;
10. the location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
11. the limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required;
12. the name and address of the owner(s) of land to be subdivided, the subdivider if other than the owner, and the licensed surveyor preparing the plat;
13. the date of the plat, approximate true north point, scale, and title of the subdivision;
14. sufficient data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground;
15. name of the subdivision and all new public ways, as approved by the planning commission;

16. the zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider;
17. the distance and bearing of one of the corners of the boundary of the subdivision to the nearest intersection of existing public ways and to the original corner of the original survey of which it is a part;
18. key map showing relation of the subdivision to all public ways, railroads, and watercourses in all directions to a distance of at least one-half (1/2) mile. (Suggested scale: one inch to one thousand feet (1" = 1,000'));
19. contours at vertical intervals of not more than two (2) feet where the proposed subdivision has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission);
20. map parcel numbers as recorded on the land tax maps of the county;
21. The following notations:
 - (a) explanation of drainage easements;
 - (b) explanation of site easements;
 - (c) explanation of reservations; and
 - (d) for any lot where public sewer or water systems are not available, the following:
 - (i) areas to be used for sewage disposal and their percolation results, or if the planning commission desires, any other acceptable data to show that the site can be served effectively by septic tanks;
 - (ii) water wells (existing and proposed); and
 - (iii) rock outcroppings, marshes, springs, sinkholes, natural storm drains, and other outstanding topographical features;
22. draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions; and
23. a form for endorsement of planning commission approval of the preliminary plat which shall read as follows:

Approved by the Chapel Hill Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____
 date

Preliminary plat approval shall not constitute final approval for recording purposes.

5-103 Construction Plans

5-103.1 General

Construction plans shall be prepared for all improvements required by these regulations. Plans shall be drawn at a scale of no more than fifty (50) feet to an inch. Plans shall be in compliance with the specifications in Article IV, of these regulations. Approval of plans must precede actual construction, and no final plat shall be considered by the planning commission until the required plans have been approved. The construction plans shall be prepared and stamped by a licensed engineer engaged in the practice of civil engineering.

5-103.2 Features

The following shall be shown on the construction plans.

1. Profiles showing existing and proposed elevations along center lines of all public ways.
2. Where a proposed road intersects an existing public way or ways, the elevation along the center line of the existing public way within one hundred (100) feet of the intersection.
3. Approximate radii of all curves, lengths of tangents, and central angles on all public ways.
4. Proposed public ways, as required by the planning commission; where such are required, horizontal stationing shall be at fifty (50) foot intervals and cross-sectional elevations shall be to an accuracy of one tenth (1/10) foot vertical on a line at right angles to the center line of the public way at the following points: the center line of the public way, each property line, and points twenty-five (25) feet inside each property line.
5. Plans and profiles indicating the locations and typical cross-section of public way pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes, and catch basins.
6. The location of public way signs.
7. The location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility system.
8. Exact location and size of all water, gas, or other underground utilities or structures.
9. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including but not limited to, existing public ways, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, and features noted on the land development plan or major street or road plan.
10. The water elevations of adjoining lakes or streams and the approximate high- and low-water elevations of such lakes or streams shall be shown. All elevations shall be referred to the U.S.G.S. datum plane.

11. If the subdivision borders a lake, river, or stream, the distance and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
12. The developer shall prepare for any portion of a subdivision containing a flood prone area, or an area known to be subject to flooding, information necessary for the planning commission to determine the suitability of the particular site for the proposed development, as follows:
 - (a) plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of any part of the subdivision within a flood prone area; existing or proposed structures or building sites, fill, storage of materials and floodproofing measures, as specified in these regulations; and the relationship of the above to the location of the stream channel, floodway, floodway fringe, the regulatory flood elevation, and the regulatory flood protection elevation;
 - (b) a typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information, if required by the planning commission;
 - (c) surface-view plans showing elevations and contours of the ground;
 - (d) pertinent structures, fill, or elevations of public ways;
 - (e) water supply, sanitary facilities, soil types, and other pertinent information, as required by the planning commission; and
 - (f) specifications for building construction and materials, flood proofing, filling, dredging, grading, storage of materials, water supply, and sanitary facilities.
13. Contours at the same vertical interval as on the preliminary plat.
14. In addition to the other requirements of this section, construction plans for condominium subdivisions shall contain "as built" drawings of all underground utilities, regardless of proposed ownership, and the construction design of all public facilities which are proposed for dedication to the governing body.
15. A notation of construction plans approval by appropriate persons or governmental representatives.
16. Title, name, address, stamp and signature of engineer who prepared the plans.
17. Date of plans, including any revision dates.
18. An erosion and sediment control plan shall be prepared for each development required to submit construction plans. Such plan shall demonstrate the manner in which the general principals for erosion and sediment control set out in Subsection 4-102.503, are to be implemented on the site covered by the construction plans.

5-104 Final Subdivision Plat

5-104.1 General

The final subdivision plat shall be prepared on transparent drafting material at a scale no smaller than two hundred feet to the inch (200' – 1") on sheets of county register plat book size. The use of an appropriate smaller scale may be permitted for lots larger than two (2) acres. When more than one (1) sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with the sheets numbered in sequence.

Construction plans, if required as described in Section 5-103, of these regulations, shall have been approved prior to planning commission approval of the final subdivision plat.

5-104.2 Features

The final plat shall include:

1. The location of the property to be subdivided with respect to surrounding property(s) and public ways.
2. The names of all adjoining property owners of record or the names of adjoining developments.
3. The names of adjoining public ways.
4. The exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth (1/100) of a foot. The adjusted accuracy of the survey shall meet or exceed the standards set forth in Title 62, Chapter 18, of the Tennessee Code, for the category of survey required by these regulations. The category of survey shall be determined according to the average size of lots (see Table below) within the proposed subdivision.

ACCURACY OF SURVEYS*

Category I	Urban and Subdivision
Category II	Suburban and Subdivision
Category III	All Other Surveys

NOTE: Surveys must meet the minimum accuracy requirements provided above for the category where the survey is located. The category (I, II, or III, as defined above) must be determined by the surveyor to the best of his knowledge and belief at the time of the survey. Nothing in this rule shall preclude a surveyor from using a greater degree of accuracy than that required as a minimum for any category provided above.

A distance and bearing shall be provided which will link a point on the boundary of the subdivision to a monument in the right-of-way of the nearest prominent public way intersection.

5. The location of all public ways, easements, water bodies, large streams or rivers, railroads, parks, and cemeteries.
6. The limits of floodway and floodway fringe areas and the regulatory flood elevation and regulatory flood protection elevation; as determined by the planning commission.
7. The location and width of all easements and rights-of-way for public ways, as well as the building setback lines on all lots.
8. The location, dimensions, and area of all lots. All dimensions shall be field run to the nearest one hundredth of a foot and angles to the nearest minute. Lot areas shall be shown to the nearest tenth of a square foot.
9. The location, area, and dimensions, to the accuracy set forth in Item 8, above, of all property to be set aside for park or playground use or other public or private reservation, with a designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
10. The final plat of a condominium subdivision shall contain, in addition to the other information required by this section:
 - (a) an "as-built" building location and boundary survey, to "American Land Title Association" or other similar standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and locations relative to those boundaries of the building(s) which constitute the condominium subdivision;
 - (b) some sort of datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower limits of each level of each condominium unit be identified specifically in relation to the vertical reference, (e.g., an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement; and
 - (c) copies of deed covenants, the charter and by-laws of any homeowners' association established; and special information which the planning commission may require to protect the rights of future owners of the condominium or the public in general.
11. The name and address of the owner(s) of the land being subdivided.
12. The name and address of the subdivider if other than the owner.
13. The name and stamp of the licensed surveyor preparing the plat.

14. The date of the plat, approximate true north point, scale, and title of the subdivision.
15. Sufficient data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. This shall include the radius, central angle, and tangent distance for the center line of the curved public ways and curved property lines that are not the boundary of curved public ways. The location of all monuments and pins shall be indicated on the plat.
16. The name of all public ways.
17. The zoning classification of all lots, as well as an indication of uses other than residential proposed by the subdivider.
18. The total acreage within the subdivision.
19. Lot numbers, where required.
20. The line size and location of water and sewer facilities.
21. The location of all fire hydrants.
22. The diameter and width of all driveway culverts.
23. For any lot where public sewer or water system is not available, the following shall be shown:
 - (a) areas to be used for sewage disposal; and
 - (b) water wells (existing and proposed).
24. Applicable certifications in the form reproduced in this section shall appear upon the final plat. All required certificates shall bear the signature of the approving or authorizing agent at the time of application for final plat approval, except that the form for endorsement of the planning commission's approval for recording shall appear unsigned at the time of application for approval.
25. State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable; also, actual design plans for filing in appropriate governmental representative's office.
26. Commitment notes may be printed or stamped on the final plat reflecting location and dimension of easements, or extent of other agreements or factual data, in lieu of drafted illustration, when applicable, and as approved by the planning commission.

5-104.3 Plat Certificates

1. Certification showing that the applicant is the landowner; that he offers for dedication public ways, rights-of-way, and any site for public use; and that he consents to the subdivision plan.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon as evidenced in Book Number _____, page _____, County Registers Office, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and that offers of irrevocable dedication for all public ways, utilities, and other facilities have been filed.

_____, 20____
Date

Owner

Title (if acting for partnership or corporation)

- 2. Certification by a registered land surveyor as to the accuracy of the land survey.

CERTIFICATE OF SURVEY ACCURACY

I (we) hereby certify that to the best of my (our) knowledge and belief this is a true and accurate survey of the property shown hereon; that this is a Class "_____" Land Survey as defined in Title 62, Chapter 18, Tennessee Code, and that the ratio of precision is greater than or equal to 1: _____.

_____, 20____
Date

Registered Land Surveyor - Number _____.

- 3. Certification by appropriate governmental or quasi-governmental official(s) that sewage disposal and/or water system(s) has/have been installed.

CERTIFICATE OF APPROVAL OF WATER SYSTEM

I hereby certify that the water system(s) outlined or indicated on the final subdivision plat entitled, _____, has/have been installed in accordance with current local and state government requirements, or a sufficient bond or other surety has been filed to guarantee said installation.

_____, 20____
Date

Name, Title and Agency or Authorized Approving Agent

CERTIFICATE OF APPROVAL OF SEWER SYSTEMS

I hereby certify that the sewer systems outlined or indicated on the final subdivision plat entitled, _____, have been installed in accordance with current local and state government requirements or a sufficient bond or cash has been filed which will guarantee said installation.

Sewer System _____, 20____
Date Name, Title, and Agency of
Authorized Approving Agent

**CERTIFICATE OF APPROVAL
PRIVATE SUBSURFACE SEWAGE DISPOSAL**

General approval is hereby granted for lots proposed hereon as being suitable for subsurface sewage disposal with the listed and/or attached restrictions.

Before the initiation of construction, the location of the house or other structures and plans for the subsurface sewage disposal system shall be approved by the local health authority.

_____, 20____
Date Local Health Authority

- 4. Certification on the final plat by appropriate governmental representative that the subdivider has complied with one of the following:
 - (a) installation of all public way improvements in accordance with the requirements of these regulations; or
 - (b) in lieu of compliance with subdivision improvement requirements, certification that surety has been posted by the subdivider in an amount approved by appropriate governmental representative to guarantee completion of all improvements.

**CERTIFICATE OF APPROVAL
OF PUBLIC WAYS FOR BOND POSTING**

I hereby certify: (1) that all designated public ways on this final subdivision plat have been installed in an acceptable manner and according to the specifications of the _____ Subdivision Regulations, or (2) that a performance bond or other surety has been posted with the planning commission to guarantee completion of all required improvements in case of default.

_____, 20____
Date Appropriate Governmental Representative

5. For a subdivision containing common open space or facilities, certification on the final plat of dedication of common areas in accordance with procedures established in these regulations.

CERTIFICATION OF COMMON AREAS DEDICATION

_____ in recording this plat has designated certain areas of land shown hereon as common areas intended for use by the homeowners within _____ for recreation and related activities.

(Name of Subdivision)

The above described areas are not dedicated for use by the general public, but are dedicated to the common use of the homeowners within the named subdivision.

"Declaration of Covenants and Restrictions," applicable to the above named subdivision, is hereby incorporated and made a part of this plat.

_____, 20____ Date _____ Owner

6. Certification on the final plat of planning commission approval for recording of the plat.

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the _____ Subdivision Regulations, with the exception of such variances, if any, as are noted in the minutes of the planning commission, and that it has been approved for recording in the Office of the County Register.

_____, 20____ Date _____ Secretary, Planning Commission

**CERTIFICATE OF MAINTENANCE BOND
POSTED FOR PUBLIC WAYS, ALLEYSWALKS,
PUBLIC INFRASTRUCTURE, PARKS AND OPEN AREAS**

I hereby certify that a one-year maintenance bond has been posted with the Chapel Hill Planning Commission on _____, 20____, and in the amount of \$_____ to cover the maintenance of installed improvements.

_____, 20____ Date _____ Developer/Subdivider, Owner or Agent

7. Notation of Possible Flooding -- If any portion of the land being subdivided is subject to flooding as defined in these regulations, a notation shall be made on the plat that development or modification of the land within any floodway delineated within plat is prohibited and that development within floodway fringes delineated on the plat shall be done in such a manner that any structure shall be protected against flood damage to at least the regulatory flood protection elevation, which elevation shall be stated in the notation. Any additional restrictions imposed by the planning commission upon development within flood prone areas also shall be indicated on the plat.
8. Notation of Health Restrictions -- Any modifications or limitations which may be imposed by the state or county health department shall be clearly indicated on the plat.
9. Notation of Private Restrictions -- Private restrictions and trusteeships and their periods of existence shall be indicated on the plat. Should these restrictions or trusteeships be of such length as to make their lettering impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat or, if the restrictions and trusteeships are of record, the plat shall note where they are recorded.

5-105 Form of Dedication Offer

The form of the offer of irrevocable dedication, required by Subsection 2-104.1, Item 5, of these regulations, shall be as reproduced in this section and approved by the town attorney. The form may be modified as required by the town attorney.

Copies of this form may be obtained at the office of the building inspector.

**FORM FOR OFFER OF
IRREVOCABLE DEDICATION**

AGREEMENT made this _____ day of _____, 20____, by and between _____, a _____, having its office and place of business at _____, Tennessee, hereinafter designated as the "local government".

WHEREAS, the Chapel Hill Planning Commission is in the process of approving a subdivision plat entitled, _____, dated, _____, and made by _____; and

WHEREAS, said map designates certain public improvements consisting of _____ to be dedicated to the Town of Chapel Hill, free and clear of all encumbrances and liens, pursuant to the requirements of the planning commission and the local government; and

WHEREAS, the developer, simultaneously herewith, shall post a performance bond with the town for the construction, maintenance, and dedication of said improvements, if required;

WHEREAS, the developer is desirous of offering for dedication the said improvements and land to the town more particularly described in Schedule _____ attached hereto;

WHEREAS, the developer has delivered deeds of conveyance to the town for the said land and improvements as described herein;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) lawful money of the United States paid by the town to the developer and other good and valuable consideration, it is mutually **AGREED** as follows:

- A. The developer herewith delivers to the town deeds of conveyance for the premises described in Schedule _____, attached hereto, said delivery being a formal offer of dedication to the town until the acceptance or rejection of such offer of dedication by the town.
- B. The developer agrees that said formal offer of dedication is irrevocable and can be accepted by the town at the time.
- C. The developer agrees to complete the construction and maintenance of the land and improvements pursuant to the performance bond and the requirements of the Chapel Hill Planning Commission and any ordinances, regulations, requirements, covenants, and agreements that may be imposed by the town with respect thereto and, upon acceptance by the town of the offer of dedication, furnish to the town a sworn statement certifying that the premises are free and clear of all liens and encumbrances and shall furnish to the town a check for all necessary fees and taxes to record the deeds heretofore delivered.

D. That this irrevocable offer of dedication shall run with land and shall be binding on all assigns, guarantees, successors, or heirs of the developer.

_____, 20____
Date Developer

(CORPORATE SEAL)

ATTEST: FOR THE TOWN OF: _____

BY: _____

_____, 20____

**ACKNOWLEDGEMENT:
COPARTNERSHIP**

STATE OF TENNESSEE

(COUNTY OF _____) SS: _____

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be one of the firm _____, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

CORPORATE

STATE OF TENNESSEE

(COUNTY OF _____)

SS: _____

On this _____ day of _____, 20____, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and said that he resides in _____; that he is the _____ of _____, the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

INDIVIDUAL

ARTICLE VI
DEFINITIONS

6-101 Usage

- A. For the purpose of these regulations certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this article.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular; the word "herein" means "in these regulations"; and the word "regulations" means "these regulations".
- C. A "person" includes a corporation, a partnership, and an unincorporated association of persons, such as a club; "shall" is always mandatory; a "building" or "structure" includes any part thereof; "used" or "occupied", as applies to any land or building, shall be construed to include "intended, arranged, or designed to be used or occupied".

6-102 Words and Terms Defined

Alley -- A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant -- The owner of land proposed to be subdivided or his authorized representative. Consent shall be required from the legal owner of the premise(s).

Architect -- An architect or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Arterial Street or Road -- A major public way intended to move traffic to and from major industrial areas or a route for traffic between communities or large areas and which has an average daily traffic count in excess of three thousand (3,000).

Block -- A tract of land bounded by public ways or by a public parks, cemeteries, railroad rights-of-way, or shorelines or waterways or a combination of such.

Bond -- An instrument with a clause, with a sum of money fixed as a penalty, binding the parties to pay the same: conditioned, however, that the payment of the penalty may be avoided by the performance by some one or more of the parties of certain acts.

Building -- Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind; the term includes a mobile home.

Capital Improvements Program -- A proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government operating expenses, for the purchase, construction, or replacement of the physical assets of the community are included.

Collector Street or Road -- A major public way intended to move traffic from local ways to arterial routes. Collector routes serve a neighborhood or large subdivision(s), and normally have an average daily traffic count ranging from one thousand and one (1,001) to three thousand (3,000).

Common Elements -- Any portion of a condominium which is held in common by owners of condominium units. These elements may be either general common elements or limited common elements, as defined below.

General Common Elements -- Any of the common elements of a condominium which are held in joint ownership by all owners of the condominium.

Limited Common Elements -- Any of the common elements of a condominium which are reserved for use by the owner of a particular condominium unit or group of units.

Condominium -- A form of ownership of less than the whole of a building or system of buildings under the provisions of Title 66, Chapter 27, Tennessee Code, which provides the mechanics and facilities for formal filing and recordation of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision -- The subdivision of property through the establishment of a condominium or horizontal property regime.

Horizontal Condominium Subdivision -- A subdivision where each unit occupies some ground space.

Vertical Condominium Subdivision -- A subdivision of a multi-story building in which one (1) or more units do not occupy ground space.

Condominium Unit -- A space conveyed by separate title and located within a condominium structure.

Construction Plan -- The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission.

Contractor -- An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

County Environmentalist -- An agent designated to administer local and/or state health regulations.

Cul-de-sac -- A minor street having only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement; definition includes: dead end, turn-around, or turn-about.

Design Specifications -- Written descriptions of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project intended for local government ownership or maintenance.

Developer -- The owner of land proposed to be subdivided or his authorized representative.

Dwelling Unit -- A room, or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease on a daily, weekly, monthly, or

longer basis; physically separated from any other room(s) or dwelling units which may be in the same structure; and containing independent cooking and sleeping facilities.

Easement -- Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

Building inspector -- The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

Engineer -- An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Title 62, Chapter 2, Tennessee Code, to practice in Tennessee.

Equal Degree of Encroachment -- The delineation of floodway limits so that floodplain lands on both sides of a stream are capable to conveying a proportionate share of flood flows. This is determined by considering the hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

Escrow -- A fiduciary agreement with the local government in lieu of actual performance and intended to assure performance. An escrow account may be provided as a bond subject to agreement of the planning commission.

External Subdivision Boundary -- All points along the periphery of a subdivision.

Final Subdivision Plat -- The final map or drawing and accompanying materials, described in these regulations, on which the subdivider's plan of the subdivision is presented to the planning commission for approval and which, if approved by the commission, is recorded with the county register of deeds.

Flood -- A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Frequency -- The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Boundary Map -- An official map on which the boundaries of the floodplain areas having special flood hazards have been delineated.

Flood Hazard or Flood Prone Area -- The maximum area of the floodplain that, on the average, is likely to be flooded once every one hundred (100) years (i.e., that has a one (1) percent chance of being flooded in any year).

Floodplain -- A land area adjoining a river, stream watercourse, bay, or lake which is likely to be flooded. It is composed of a floodway and floodway fringe.

Floodplain Management Program -- The overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, building code regulations, health regulations, zoning ordinance regulations, and these subdivision regulations.

Flood Profile -- A graph showing the water surface elevation or height of a particular flood event for any point along the longitudinal course of a stream. The flood profile is determined through the use of standard open-channel hydraulic calculations.

Floodproofing -- Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate potential flood damage to lands; water facilities, sanitary facilities, and other utilities; structures; and contents of buildings; and which prevent pollution of floodwaters from such natural or man-made sources.

Floodway -- The stream channel and adjacent overbank areas required to carry and safely discharge the 100-year flood without increasing flood levels more than one (1) foot above natural flood levels.

Floodway Encroachment Limits -- The lines marking the limits of floodways on official federal, state, and local floodplain maps.

Floodway Fringe -- The area adjoining a watercourse which, although not lying within a floodway, has been or may hereafter be covered by a 100-year flood.

Frontage -- That side of a lot abutting a public way ordinarily regarded as the front of the lot. It shall not be considered as the ordinary side of a corner lot.

General Plan -- The official statement of the planning commission which sets forth major policies concerning future development of the jurisdictional area and meeting the provisions set forth in Sections 13-3-301, 13-3-302, and 13-4-102, Tennessee Code.

Governmental Agency -- Any public body other than the governing body.

Governing Body -- The chief legislative body of any government.

Governmental Representative -- An outside person or designated local official or employee authorized to act on behalf of the governing body in making determinations regarding legal, public works, planning, community development, or other public business.

Grade -- The slope of a public way specified in percentage terms.

Highway, Limited Access -- A freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property(s) or lands and other persons have no legal right of access to or from the trafficway, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

Horizontal Property Act -- "The Tennessee Horizontal Property Act" as codified in Title 66, Chapter 2, Tennessee Code.

Individual Sewage Disposal System -- A septic tank, seepage tile sewage disposal system, or any other sewage treatment device other than a public treatment system approved by the appropriate governmental representative.

Internal Subdivision Boundary -- All points within a subdivision which do not constitute external boundaries.

Joint Ownership -- Joint ownership among persons shall be construed as the same owner for the purpose of imposing subdivision regulations.

Jurisdictional Area -- Planning boundary(s) established in keeping with Sections 13-3-102, 13-3-201, and 13-3-301, Tennessee Code.

Land Development Plan -- An element of the general plan which sets out a plan or scheme of future land usage.

Land Surveyor -- A land surveyor certified and registered by the State Board of Land Survey Examiners pursuant to Title 62, Chapter 18, Tennessee Code, to practice in Tennessee.

Legal Counsel -- The person designated by the governing body to provide legal assistance for the administration of these and other regulations.

Lot - A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, or transfer of ownership, or for building development.

Lot, Corner -- A lot situated at the intersection of two (2) public ways.

Lot Improvement -- Any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

Major Street or Road -- A public way which is classified as a collector or arterial public way according to these regulations or by the major street or road plan for the jurisdictional area.

Major Street or Road Plan -- The plan adopted by the planning commission, pursuant to Section 13-3-402 and 13-4-302, Tennessee Code, showing, among other things, "the general location, character, and extent of public ways... (and) the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways..."

Major Subdivision -- All subdivisions not classified as minor subdivisions including but not limited to subdivisions of three (3) or more lots or subdivisions of any size requiring any new or improved road, the extension of government facilities, or the creation of any public improvements, or containing any flood prone area.

Minor Street or Road -- A public way which is not classified as an arterial or collector.

Minor Subdivision -- Any subdivision containing less than three (3) lots fronting on an existing public way; not involving any new or improved public way, the extension of public facilities, or the creation of any public improvements, and not in conflict with any provision of the adopted general plan, major street or road plan, zoning ordinance, or these regulations.

National Flood Insurance Program -- A program established by the U.S. Government in the National Flood Insurance Act of 1968, and expanded in the Flood Disaster Protection Act of 1973, in order to provide a flood insurance at rates made affordable through a federal subsidy in local political jurisdictions which adopt and enforce floodplain management programs meeting the requirements of the National Flood Insurance Program regulations. The program regulations are found at 24 Code of Federal Regulations, Chapter X, Subchapter B.

Offsite -- Any premise not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

One Hundred-Year Flood -- A flood having an average frequency of occurrence of once in 100-years, although it may occur in any year. It is based on statistical analysis of stream flow records available for the watershed and analysis of rainfall and runoff characteristics in the general region of the watershed.

Owner -- Any person, group of persons, firm or firms corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the real property.

Performance Bond -- See "Bond".

Perimeter Street -- Any existing street to which the parcel of land to be subdivided abuts on only one side.

Planning Commission -- A public planning body established pursuant to Title 13, Chapters 2 or 5, Tennessee Code, to execute a partial or full planning program within authorized area limits.

Preliminary Plat -- The preliminary drawing or drawings, described in these regulations, indicating the proposed manner of layout of the subdivision to be submitted to the planning commission for approval.

Premise(s) -- A tract of land together with any buildings or structures which may be thereon.

Public Improvement -- Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which government responsibility is established.

Public Way -- Any publicly owned street, alley, sidewalk, or lane right-of-way which provides for movement of pedestrians or vehicles.

Reach -- A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach generally includes the segment of the flood hazard area where flood heights are influenced by a man-made area where flood or natural obstruction. In an urban area, the segment of a stream or river between two (2) consecutive bridge crossings typically would constitute a reach.

Regulatory Flood -- The one hundred-year flood.

Regulatory Flood Protection Elevation -- The elevation of the regulatory flood plus one (1) foot of freeboard to provide a safety factor.

Resubdivision -- A change in a map of any approved or recorded subdivision plat altering the number of lots incorporated within the confines of the original plat.

Right-of-Way -- A strip of land occupied or intended to be occupied by a public way crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of-way", for land platting purposes, shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Sale or Lease -- Any immediate or future transfer of ownership, including contract of sale or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, or other written instrument.

Same Ownership -- Ownership by the same person, corporation, firm entity, partnership, or unincorporated association or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Setback -- The distance between a building wall and the nearest public way right-of-way.

Sketch Plat -- A sketch preparatory to the preliminary plat (or final subdivision plat, in the case of minor subdivisions).

Special Flood Hazard Map -- The official map designated by the Federal Insurance Administrator to identify floodplain areas having special flood hazards.

Staff Assistant to the Planning Commission -- The person(s) employed by the local governing body to assist the planning commission in planning and land use regulation activities.

Start of Construction -- For purposes of subdivision control any alteration of the original surface area of the land, from and after the date of adoption of these regulations.

Structure -- Anything constructed above or below ground.

Subdivider -- Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plot in a subdivision or who (3) engages, directly or indirectly, or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plot in a subdivision or who (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

Subdivision -- "Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

Subdivision Agent -- Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plot in a subdivision, except in an instance where only legal counsel is provided.

Temporary Improvement -- Any improvement built and maintained by a subdivider during construction of the subdivision and prior to release of the surety for completion of required improvements.

Twenty-Five Year Flood -- A flood having an average frequency of occurrence of once in twenty-five (25) years.

Water Surface Elevation -- The heights in relation to mean-sea-level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the floodplain. Also the level of natural flows or collectors or water which may be expected to be found above or below surface.

Zoning Ordinance or Resolution -- A statute, legally adopted pursuant to Title 13, Chapters 4 or 7, Tennessee Code, for the purpose of regulating by district, land development or use for a designated area.

ARTICLE VII

ADOPTION OF REGULATIONS AND AMENDMENTS

7-101 Original Enactment

In order that land shall be subdivided in accordance with the objectives and standards set forth in these regulations, these subdivision regulations are hereby adopted on January 12, 2006, and immediately shall be in full force and effect. Pursuant to Sections 13-3-403 and 13-4-303, Tennessee Code, a public hearing was held on these regulations on January 12, 2006, at 6:00 p.m., at the Chapel Hill Police and Fire Department, 119 North Horton, in Chapel Hill, Tennessee, notice of which was given by publication The Marshall Gazette, Lewisburg, Tennessee, on December 21, 2005.



Ed Adam, Chaitman

1-11-06

Date

ATTEST:



John Chunn, Secretary

1-12-06

Date

APPENDICES

APPENDIX A
FORMS

CHAPEL HILL MUNICIPAL PLANNING COMMISSION

Form Number 1

PRELIMINARY PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ ZONING DISTRICT _____

OWNER _____

SURVEYOR _____

- ___ 1. Five (5) copies of plat.
- ___ 2. Location of property with respect to surrounding property and streets.
- ___ 3. Names of all adjoining property owners, or names of adjoining developments.
- ___ 4. Contours at not more than five (5) foot intervals.
- ___ 5. Location and dimensions of all boundary lines of the property to the nearest one hundredth (1/100) of a foot.
- ___ 6. Location and names of existing streets.
- ___ 7. Location of existing easements and utilities.
- ___ 8. Location of existing water bodies, streams, and other pertinent features, such as swamps, railroads, buildings, parks, cemeteries, drainage ditches, bridges, etc.
- ___ 9. Locations, dimensions, and areas of all proposed or existing lots.
- ___ 10. Location and dimensions of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- ___ 11. Date of Plat.
- ___ 12. Appropriate true north point.
- ___ 13. Scale of plat.
- ___ 14. Plans of proposed utility layout.

CHAPEL HILL MUNICIPAL PLANNING COMMISSION

Form Number 2

FINAL PLAT CHECKLIST

NAME OF SUBDIVISION _____

LOCATION _____ ZONING DISTRICT _____

OWNER _____

SURVEYOR _____

- 1. Five (5) copies of plat.
- 2. Location of property with respect to surrounding property and streets.
- 3. Names of all adjoining property owners, or names of adjoining developments.
- 4. Reproducible original.
- 5. Location and dimensions of all boundary lines of the property to the nearest one hundredth (1/100) of a foot.
- 6. The size and location of any water and sewer mains.
- 7. Location of existing easements and utilities.
- 8. Lots numbered.
- 9. Names of new streets.
- 10. Locations, dimensions, and areas of all proposed or existing lots with building setbacks.
- 11. Location and dimensions of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- 12. Date.
- 13. Appropriate true north point.
- 14. Data from which the location, bearing, and length of all lines can be determined and reproduced on the ground.
- 15. Location and description of all proposed monuments.

**Chapel Hill Municipal Planning Commission
Form Number 2
Final Plat Checklist
Page 2**

16. **Performance Bond:**
- Water _____
- Sewer _____
- Streets _____
- Miscellaneous _____

17. **Plat Certificates:**
- Ownership and Dedication**
- Accuracy**
- Utility Systems** _____ **Water** _____ **Sewer**
- Approval by County Health Department**
- Approval of Streets**
- Approval for Recording**

Forms of Performance Bond – The form of the performance bond, required by Section 2-104.1, Item 7, and Article III, of these regulations, shall be as one of those (Forms Number 3 and 4) reproduced in this section and approved by the city attorney.

Copies of these forms may be obtained at the office of the chief enforcing officer.

CHAPEL HILL MUNICIPAL PLANNING COMMISSION

Form Number 3

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That We, _____,
as Principals, _____, State of _____,
and the _____ INSURANCE COMPANY, a _____
Corporation authorized to do business in the State of Tennessee, having an office and place
of business at _____, as Surety, are held and firmly bound unto
the City of _____, as obligee, in the sum of _____

Dollars (\$ _____) lawful money of the United States, for the payment whereof to
the Obligee, the Principal and the Surety Bond themselves, their heirs, executors,
administrators, successors, and assigns, jointly and severally, firmly to these presents:

SIGNED, SEALED, AND DATED, This day of _____, 20__.

WHEREAS, application was made to the _____ Municipal Planning
Commission for approval of a subdivision shown on plat entitled, " _____ ";
filed with the chief enforcing officer of the City of _____, on _____,
20__, said final plat being approved by the _____

Municipal Planning Commission upon certain conditions, one of which is that a
performance bond amount of _____ Dollars (\$ _____)
is to be filed with the planning commission and accepted by the local governing body to
guarantee certain improvements in the subdivision named above.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that if the
above named principal shall within one (1) year from the date hereof (time may be extended
for one (1) year only beyond this period by the local governing body upon the
recommendation of the planning commission with the consent of the parties) will and truly
make and perform the required improvements and construction of public improvements in
said subdivision in accordance with the local government specifications and the resolution
of _____, 20__, then this obligation is to be void; otherwise to
remain in full force and effect.

**Chapel Hill Municipal Planning Commission
Form Number 3
Performance Bond
Page 2**

It is hereby understood and agreed that in the event that any required improvements have not been installed as provided by said resolution, within the term of this performance bond, the governing body may thereupon declare this bond to be in default and collect the sum remaining payable thereunder, and upon receipt of the proceeds thereof, the local government shall install such improvements as covered by this bond and commensurate with the extent of building development that has taken place in the subdivision but not exceeding the amount of such proceeds.

Principal

Principal

Insurance Company

BY _____
Attorney-in-Fact

BOND NO. _____

ACKNOWLEDGEMENT:
COPARTNERSHIP

STATE OF TENNESSEE

(COUNTY OF _____) SS.: _____

On this _____ day of _____, 20____, before me personally appeared _____, to me known and known to me to be one of the firm of _____, described in and who executed the foregoing instrument, and he thereupon acknowledged to me that he executed such instrument as and for the act and deed of said firm.

CORPORATE

STATE OF TENNESSEE

(COUNTY OF _____) SS.: _____

On this _____ day of _____, 20____, before me personally appeared _____, to me known, who, being by me first duly sworn, did depose and say that he resides in _____; that he is the _____ of _____, corporation described in and which executed the foregoing instrument; that he knows the corporate seal of said corporation; that the corporate seal affixed to said instrument is such corporate seal; that it was so affixed by order and authority of the Board of Directors of said corporation, and that he signed his name thereto by like order and authority.

INDIVIDUAL

STATE OF TENNESSEE

(COUNTY OF _____) SS.: _____

On this _____ day of _____, 20____, before me personally appeared _____ to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

CHAPEL HILL MUNICIPAL PLANNING COMMISSION

Form Number 4

IRREVOCABLE DOCUMENTARY LETTER OF CREDIT

- 1. DATE OF ISSUE _____
- 2. CREDIT NO. OF ISSUING BANK _____
- 3. CREDIT NO. OF ADVISING BANK _____
- 4. ADVISING BANK _____
- 5. ACCOUNTEE _____
- 6. BENEFICIARY, MAIL TO _____
- 7. LATEST PERFORMANCE DATE _____
- 8. LATEST DATE FOR NEGOTIATION _____
- 9. MAXIMUM AMOUNT' _____

10. We hereby issue this documentary letter of credit in your (the beneficiary's) favor which is available against your drafts at _____, drawn on _____ Bank, Credit No. " _____ " accompanied by the following document: A certificate of default signed under oath by the Chairman of the Chapel Hill Municipal Planning Commission and the Mayor of the City of Chapel Hill certifying that the accounTEE has not complied with the terms of the agreement between the planning commission and the accounTEE and the amount of approximate damage to the local government, which amount shall be identical to the face amount of the accompanying draft.

11. SPECIAL CONDITIONS

We hereby engage with the bona-fide holders of all drafts or documents presented under and in compliance with the terms of this letter of credit that such drafts or documents will be duly honored upon presentation to us.

The amount of each drawing must be endorsed on the reverse of this letter of credit by the negotiating bank.

The advising bank is requested to advise this letter of credit without engagement of their part.

Bank

Authorized Signature, Issuing Bank

Authorized Signature, Issuing Bank

APPENDIX B
SPECIFICATIONS FOR STANDARD
STONE BASE
HOT MIX ASPHALT SURFACE STREETS

SECTION I

GENERAL

A. JURISDICTION

These rules and regulations governing the construction of roads and streets shall apply within the Chapel Hill, Tennessee planning jurisdiction.

B. PURPOSE

The purpose of these specifications is to establish standards of design and construction, including construction procedures and quality of materials, that are adequate to assure the safety, convenience, and welfare of the people within the planning jurisdiction.

C. DEFINITIONS

1. Local Government - The town or county government having jurisdiction within the area where a development is located.
2. Local Government Engineer - That individual designated by the local government to receive and review plans submitted in conformance with the provisions of this section.
3. Engineer - An engineer certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code.
4. Enforcing Officer - That individual designated by the chief executive officer of the local government to enforce these provisions.
5. Standard Specifications - Standard Specifications for Road and Bridge Construction, Tennessee Department of Transportation, Bureau of Highways, Nashville, Tennessee, **September 1, 1995**, and subsequent revisions and additions.
6. A.A.S.H.T.O. - American Association of State Highway and Transportation Officials.
7. A.S.T.M. - American Society for Testing Materials.
8. Basic Regulations - The basic subdivision regulations of Chapel Hill, Tennessee to which this material is attached as an appendix.

D. APPROVALS

All construction plans shall be prepared and submitted to the local government engineer. The content and submission procedure shall be as set forth in SECTION II, PLANNING.

E. ACCEPTANCE

Acceptance for public maintenance of any facilities or improvements located within any subdivision may only be accomplished by formal action of the governing body in the manner established in Subsection 3-101.7, Basic Regulations. Any approval of plans, etc., submitted in conformance with these provisions, shall not in any manner bind or presuppose acceptance of these facilities by the governing body.

F. RESPONSIBILITY FOR COMPLIANCE

In all matters involving enforcement of, or compliance with, the provisions contained herein, the subdivider (as defined in Basic Regulations, Section 6-102) is considered as the party legally responsible for performance; and the use of engineers, contractors, or other agents shall in no way diminish or absolve the subdivider of this basic responsibility.

SECTION II

PLANNING

A. PLAN PREPARATION

All construction plans for improvements within land subdivisions shall be prepared by engineers registered to practice within the State of Tennessee. The plans shall bear the stamp and signature of the individual responsible for their preparation.

B. CONTENT

The information set forth in Section 5-103, Basic Regulations, shall be required upon each and every plan submitted hereunder. In any instance where special conditions may warrant, additional data may be required.

C. SUBMISSION, REVIEW, AND APPROVAL

When the plans are complete, with all required data entered thereon, they shall be submitted to the local government engineer for review and comment prior to formal presentation before the planning commission. If the local government engineer finds that the plans are in order and all required information is presented, he shall forward the plans to the planning commission for review and approval. Should any disagreement between the local government engineer and the subdivider (or his engineer) arise as to the nature of, or requirement for, any particular improvement or facility, the plans may be forwarded to the planning commission for arbitration of the dispute.

Action by the planning commission may come in the form of unconditional approval of the plans as submitted, conditional approval, or disapproval. Should the commission's action come in the form of conditional approval, the applicant may modify and resubmit the plans to the local government engineer for further review. Should the local government engineer find that the conditions established by the commission have been met, he may so certify in which instance the plans shall be considered approved. Should the commission act to conditionally approve the plans and no subsequent action is pursued by the subdivider (or his engineer) for a period of six (6) months following the date on which action was taken by the planning commission, the plans shall become null and void and any subsequent action shall require submission of new plans.

D. ACTION UPON APPROVAL

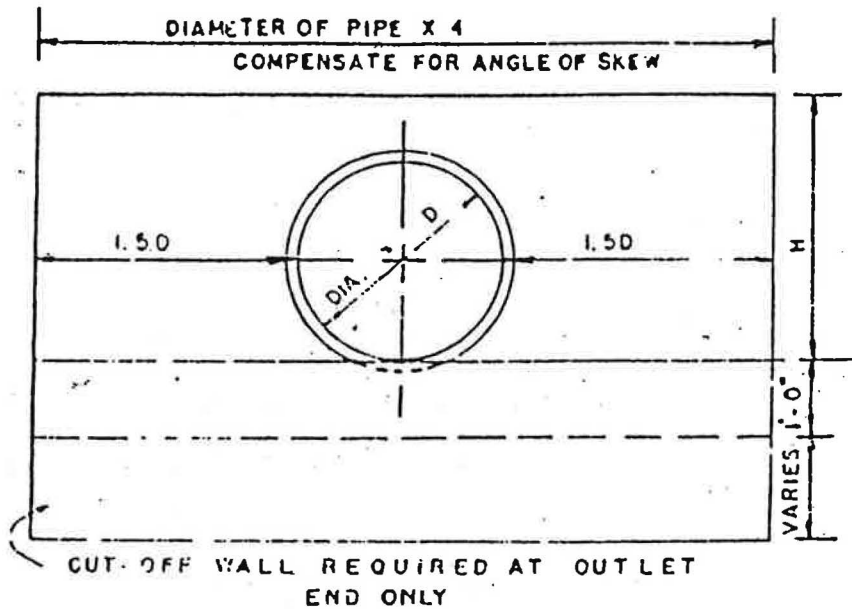
Once the plans have received approval as set forth above, construction may begin.

SECTION III
TYPICAL SECTIONS

- B-1 Reinforced Concrete Headwall**
- B-2 Area Drain**
- B-3 Straight Endwall for Circular Pipe**
- B-4 Straight Endwall for Pipe Arch**
- B-5 Concrete Lined Ditch**
- B-6 Typical Stabilized Ditch Section**
- B-7 Typical Pavement Sections**
- B-8 Typical Roadway Sections – Residential**
- B-9 Typical Roadway Sections – Commercial,
Collector, Industrial**
- B-10 Curb Details**
- B-11 Standard Concrete Sidewalk**

DRAWING B-1

REINFORCED CONCRETE HEADWALL



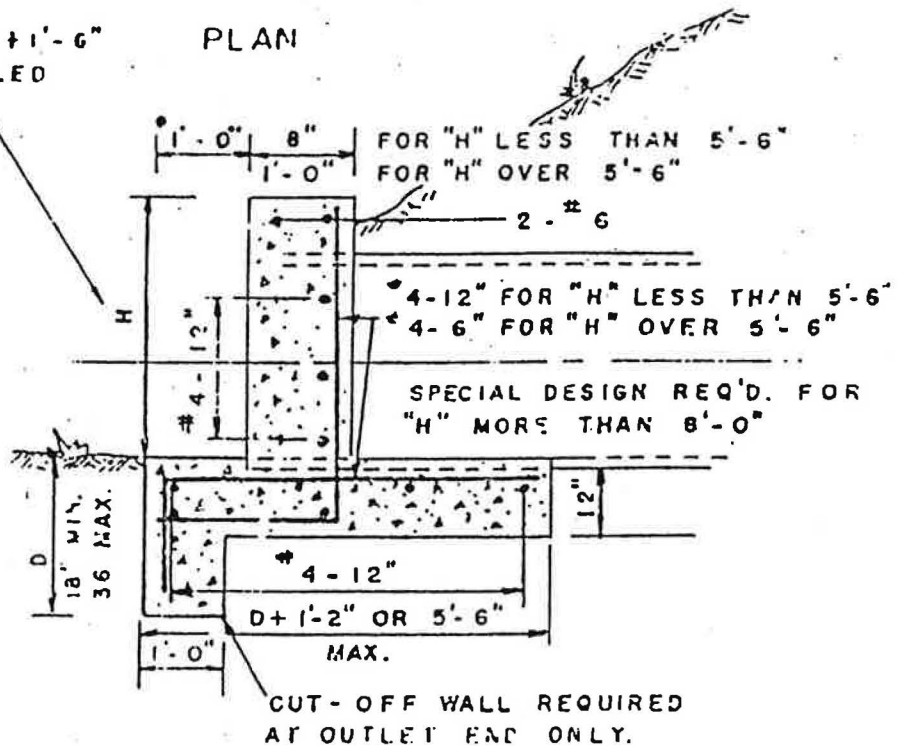
NOTE:

DIMENSION "H" = $D + 1'-6"$
MIN. OR AS CALLED
FOR ON PLANS.

* 1'-10" WHERE TRASH
RACK IS REQUIRED

** QUANTITIES INCLUDE
CUT-OFF WALL

PLAN



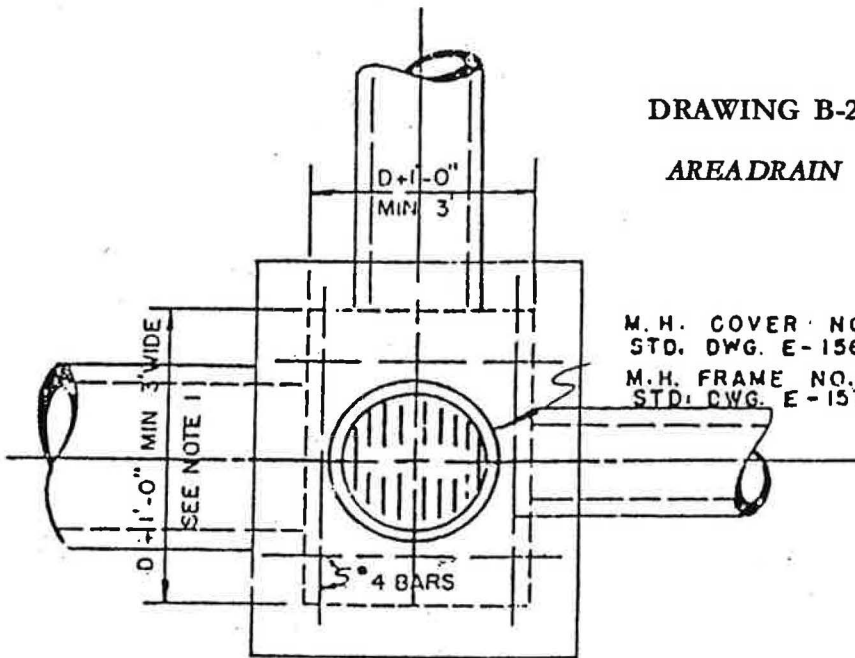
SECTION

QUANTITIES		
PIPE DIA.	CONC. C. Y. **	REINF. STL LBS. **
12	0.7	35
16	0.9	45
18	1.2	56
24	2.3	105
30	3.0	130
36	4.3	180
42	5.6	230
48	7.9	350
54	9.6	410
60	11.0	480
66	12.5	520
72	14.2	590

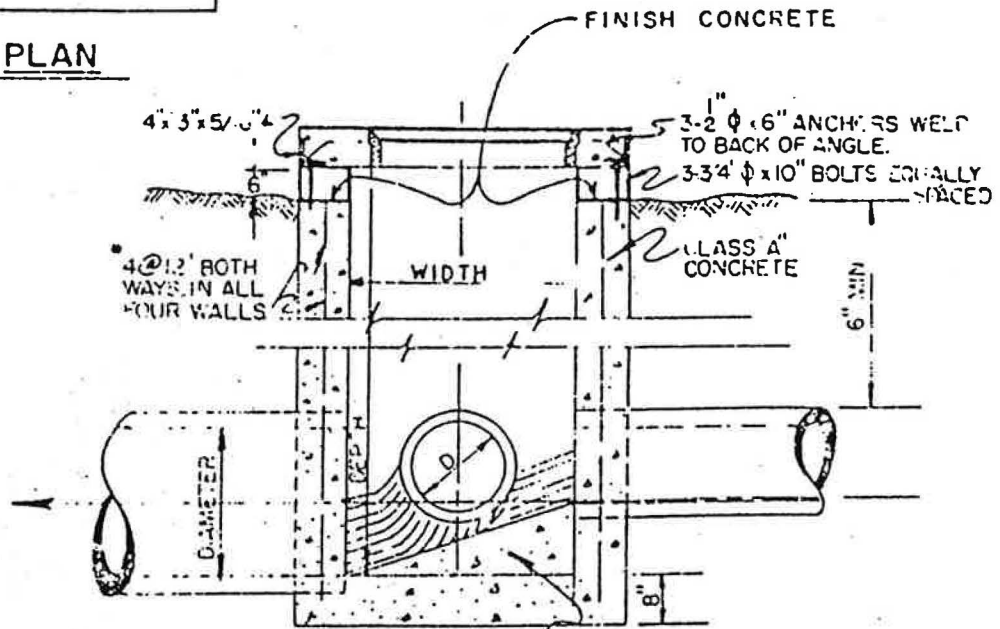
DRAWING B-2

AREADRAIN

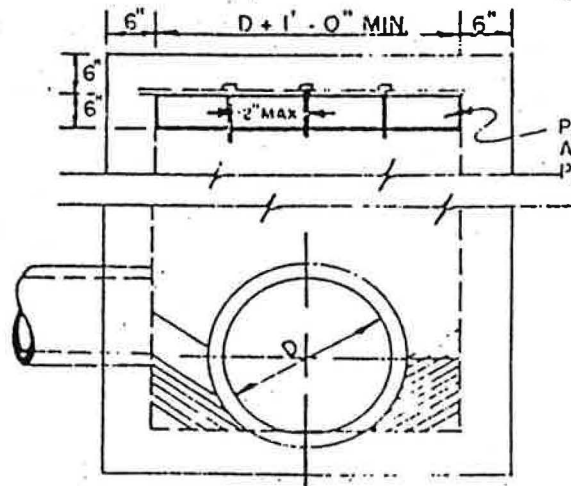
M.H. COVER NO. 11-C
 STD. DWG. E-156
 M.H. FRAME NO. 11-S
 STD. DWG. E-157



PLAN



SECTION

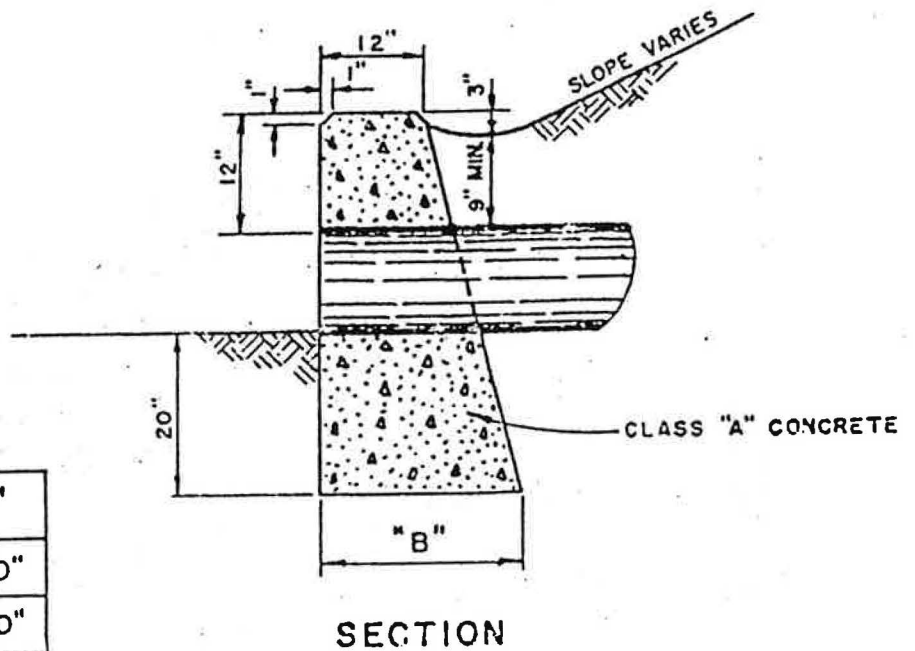
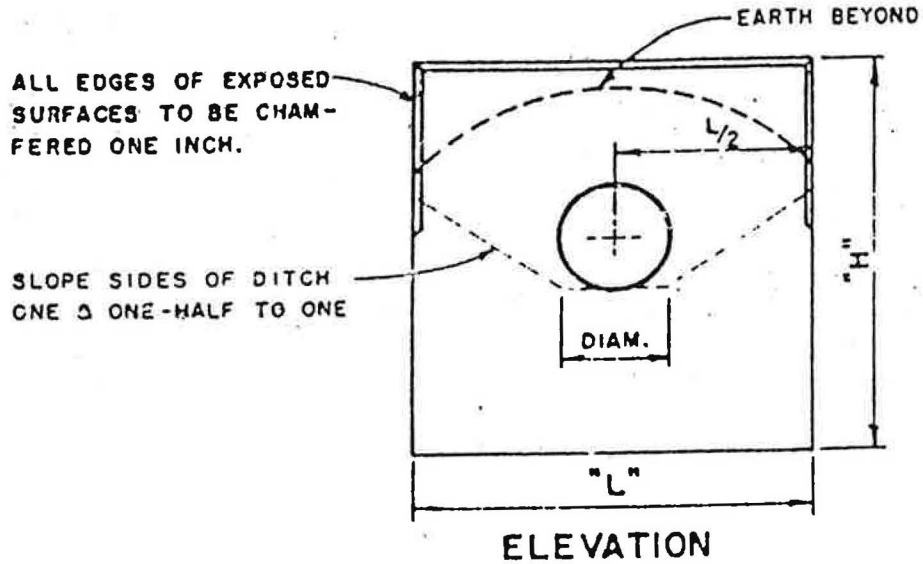


ELEVATION

- NOTE: 1 - WHEN DEPTH EXCEEDS 4' INCREASE MIN WIDTH TO 4'.
 2 - WHEN DEPTH IS 4' OR LESS BRICK MAY BE USED IN LIEU OF CONCRETE SIDE WALLS
 3 - USE LADDER BARS (DWG E-103) FOR DEPTH EXCEEDING 1'.

DRAWING B-3

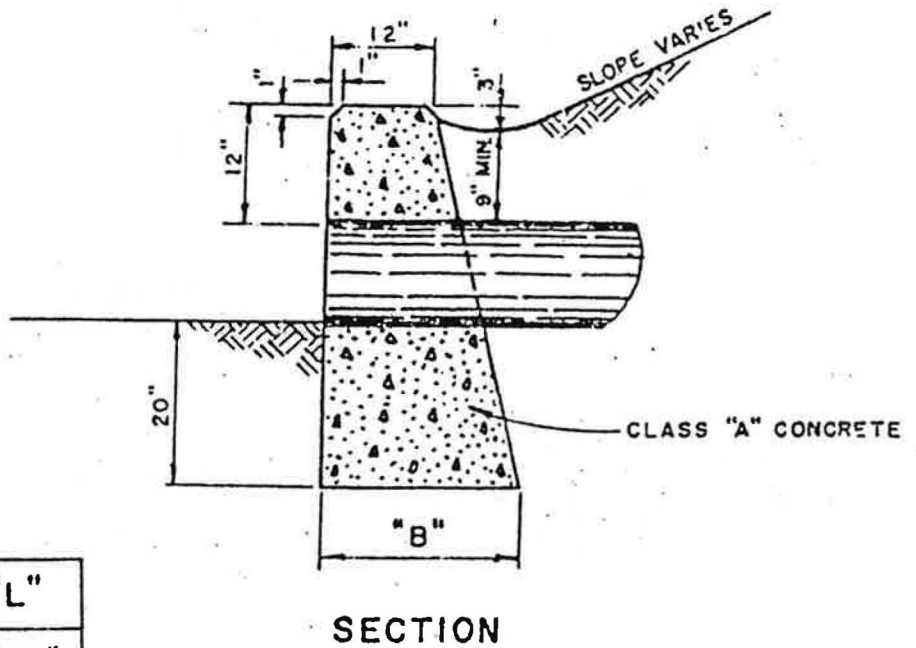
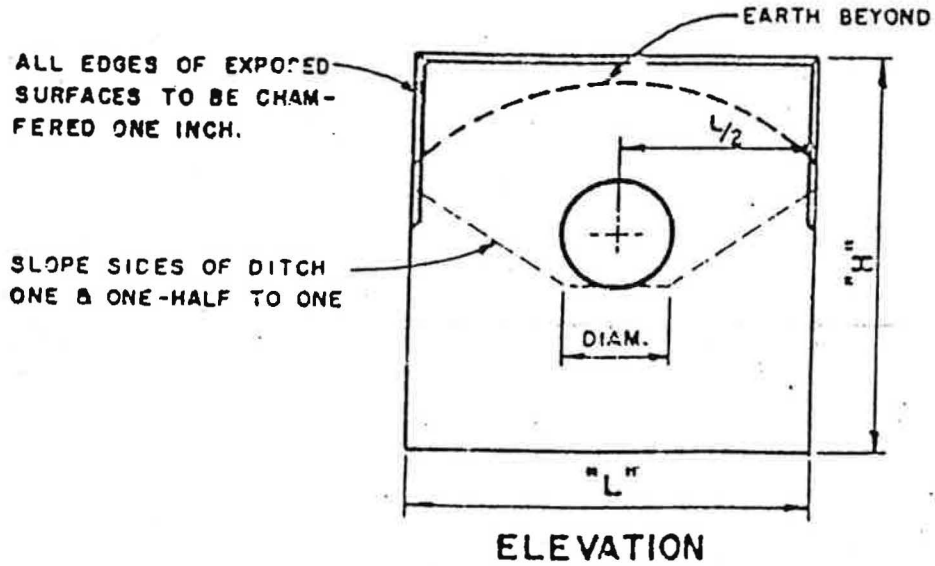
STRAIGHT ENDWALL FOR CIRCULAR PIPE



DIAM.	"H"	"B"	"L"
12"	3'-8"	1'-11"	4'-0"
15"	3'-11"	1'-11 $\frac{1}{4}$ "	5'-0"
18"	4'-2"	2'-0 $\frac{1}{2}$ "	6'-0"
21"	4'-5"	2'-1 $\frac{1}{4}$ "	7'-0"
24"	4'-8"	2'-2"	8'-0"
30"	5'-2"	2'-3 $\frac{1}{2}$ "	10'-0"

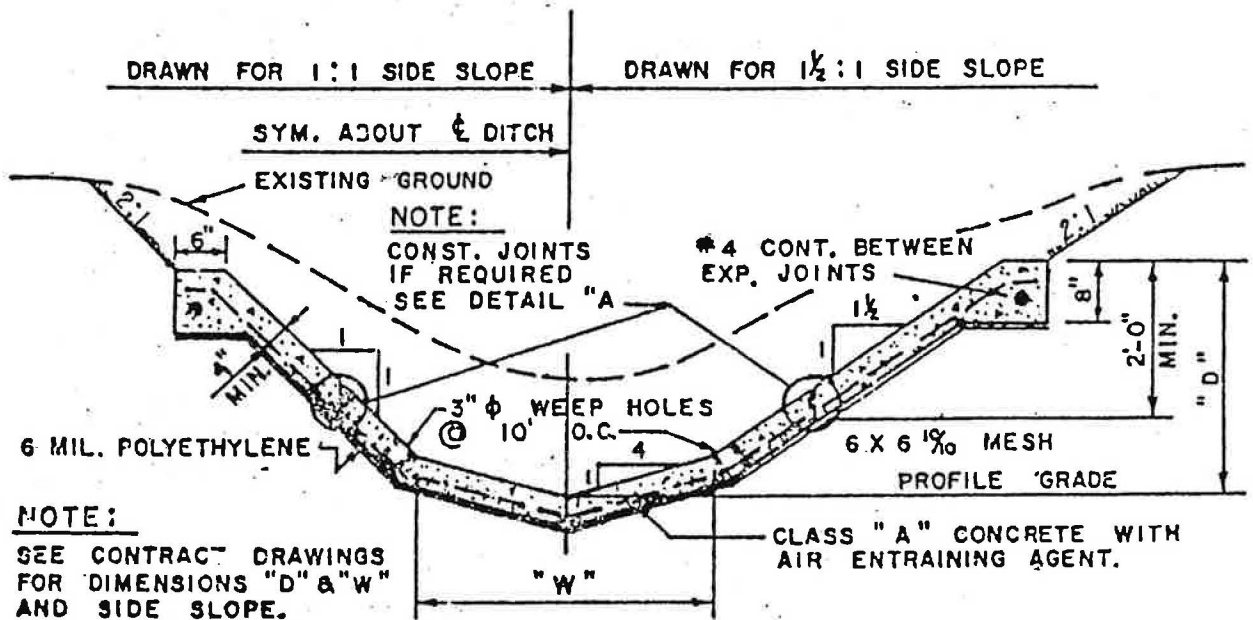
DRAWING B-4

STRAIGHT ENDWALL FOR PIPE ARCH



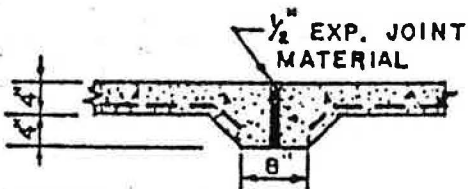
DIAM.	"H"	"B"	"L"
12"	3'- 8"	1'- 11 "	4'- 0"
15"	3'-11 "	1'-11 ³ / ₄ "	5'- 0"
18"	4'- 2"	2'- 0 ¹ / ₂ "	6'- 0"
21"	4'- 5"	2'- 1 ¹ / ₄ "	7'- 0"
24"	4'- 8 "	2'- 2 "	8'- 0"
30"	5'- 2"	2'- 3 ¹ / ₂ "	10'- 0"

DRAWING B-5
CONCRETE LINED DITCH



TYPICAL SECTION

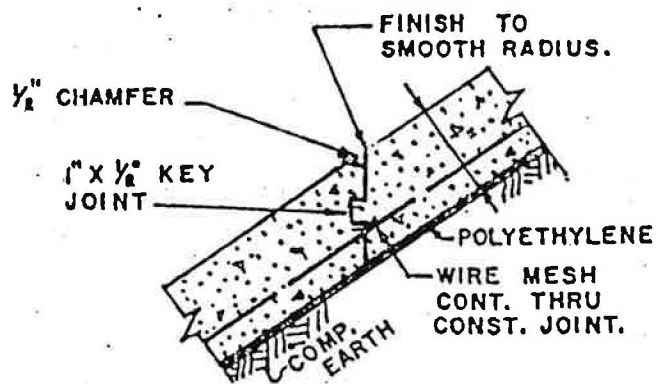
SCALE: 1" = 2'-0"



NOTE:
EXPANSION JOINTS TO BE
PLACED AT 40' MAX. O.C.

**TYPICAL SECTION AT
EXPANSION JOINTS**

- NOTE:
1. TRANSVERSE GROOVE MARKING TO BE PLACED IN TOP OF CONCRETE AT 10' O.C. BETWEEN EXP. JOINTS.
 2. TOP SURFACE OF CONCRETE LINING TO HAVE A LIGHT, BROOM FINISH.

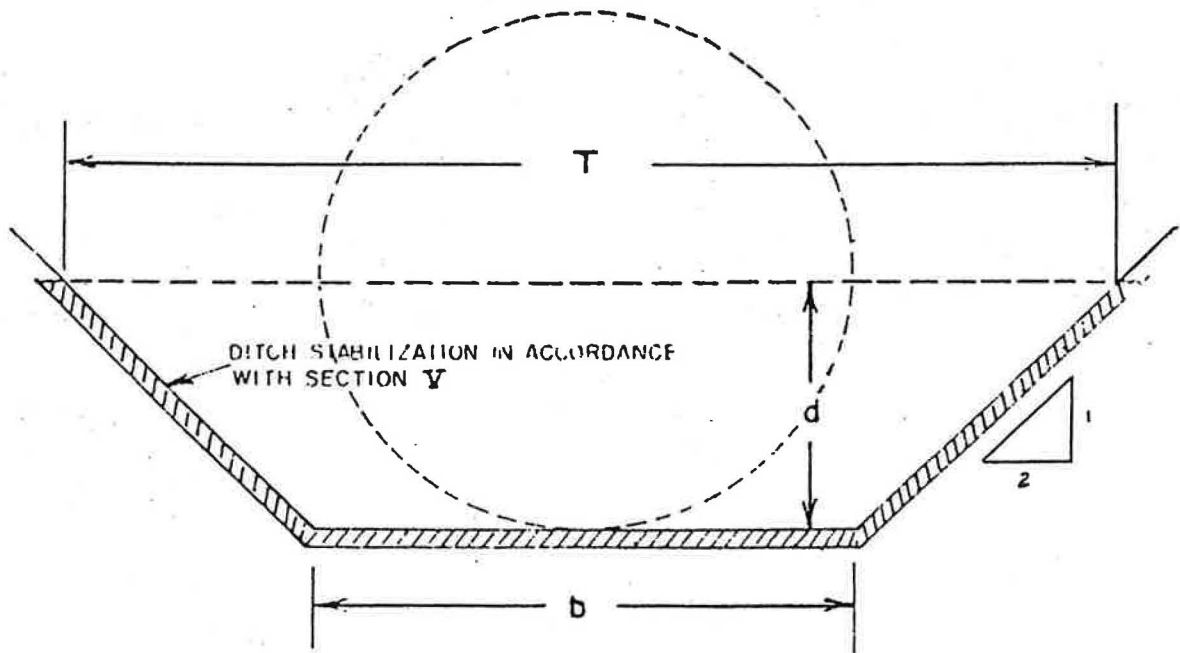


DETAIL "A"

SCALE: 1½" = 1'-0"

CONSTRUCTION JOINTS SHALL BE USED ONLY WHERE DEPTH OF LINING PERMITS A MINIMUM DEPTH OF 2'-0" OF LINING ABOVE THE JOINTS AS SHOWN IN TYPICAL SECTION ABOVE.

DRAWING B-6
TYPICAL STABILIZED DITCH SECTION



$$b = \text{Pipe Diameter} + 2 \text{ Feet}$$

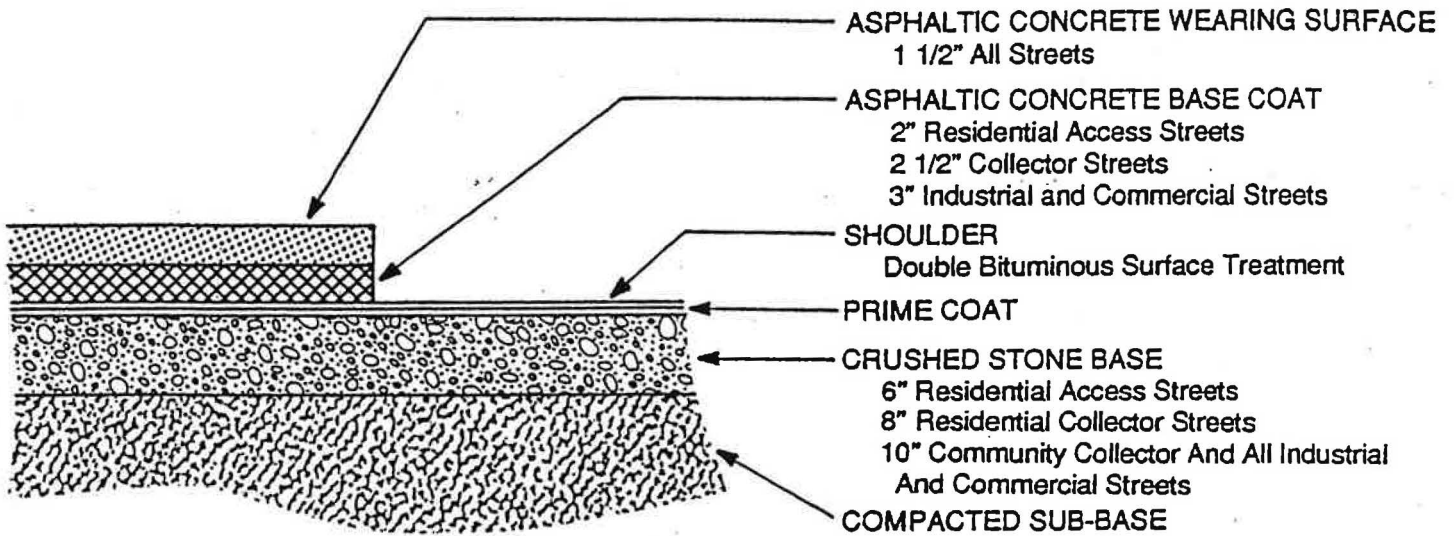
$$T = b + 4d$$

$$d = \frac{1}{2} \text{ Pipe Diameter}$$

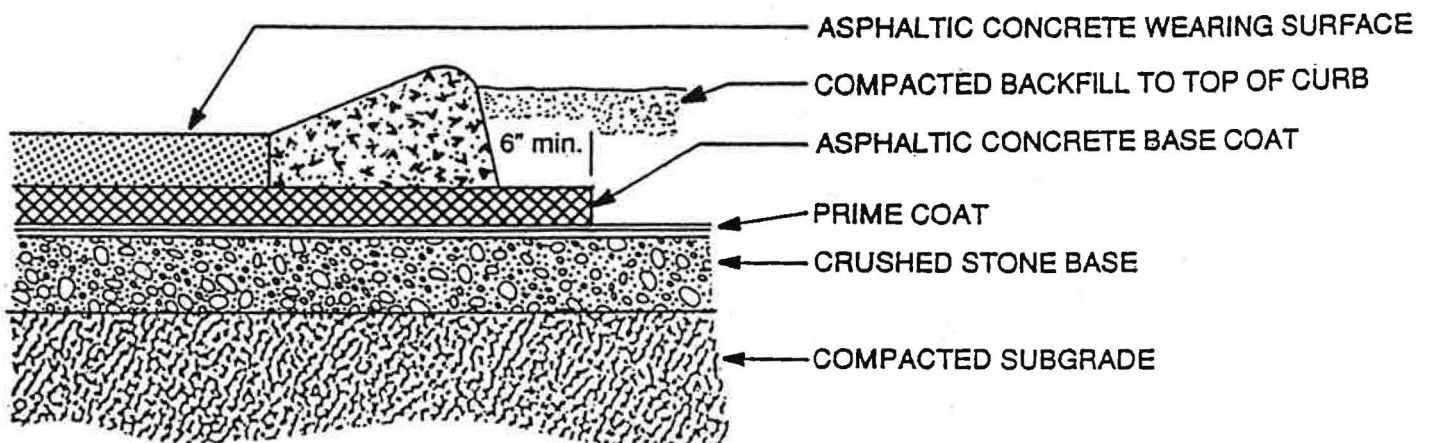
(Amended by Resolution, September 7, 2005)

DRAWING B-7

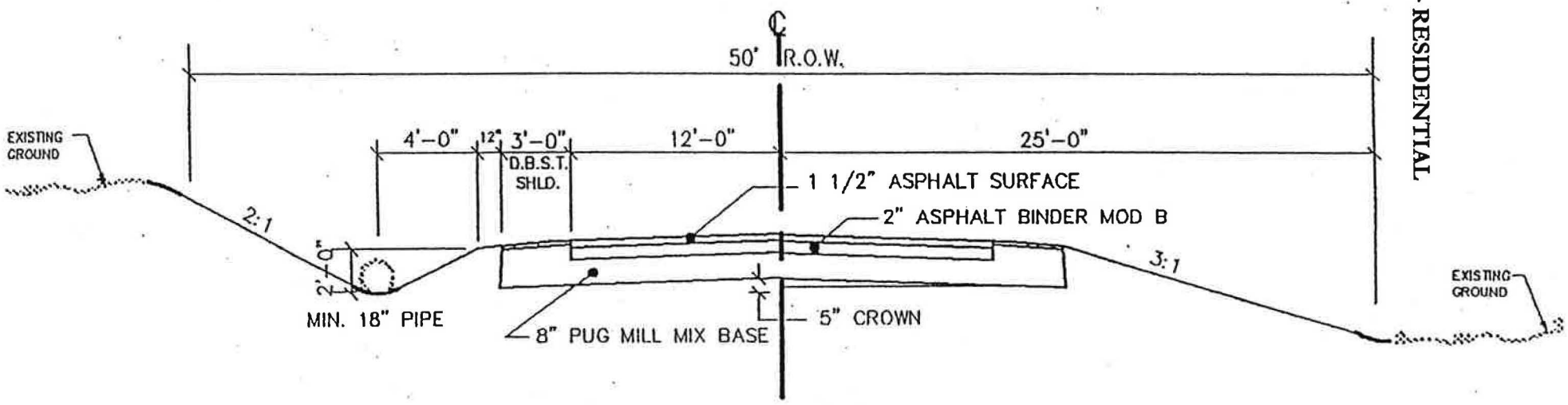
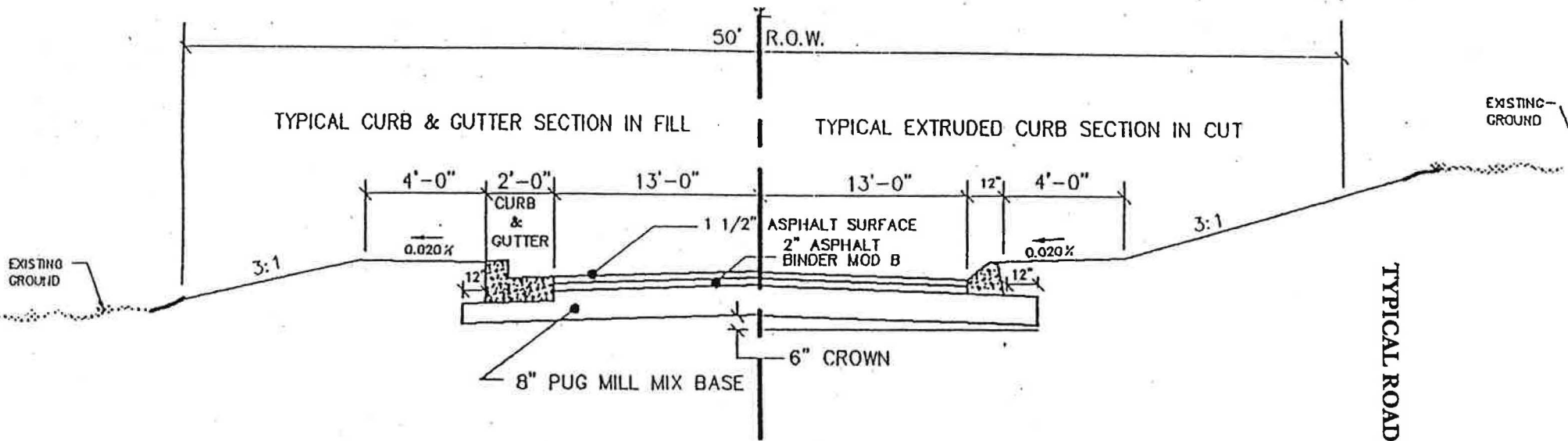
TYPICAL PAVEMENT SECTIONS



With Open Ditch

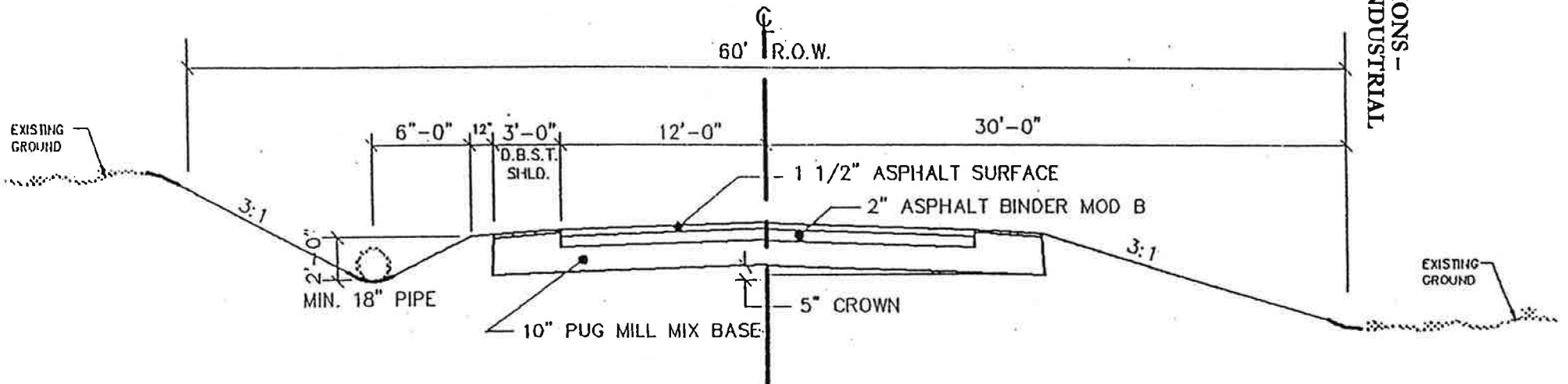
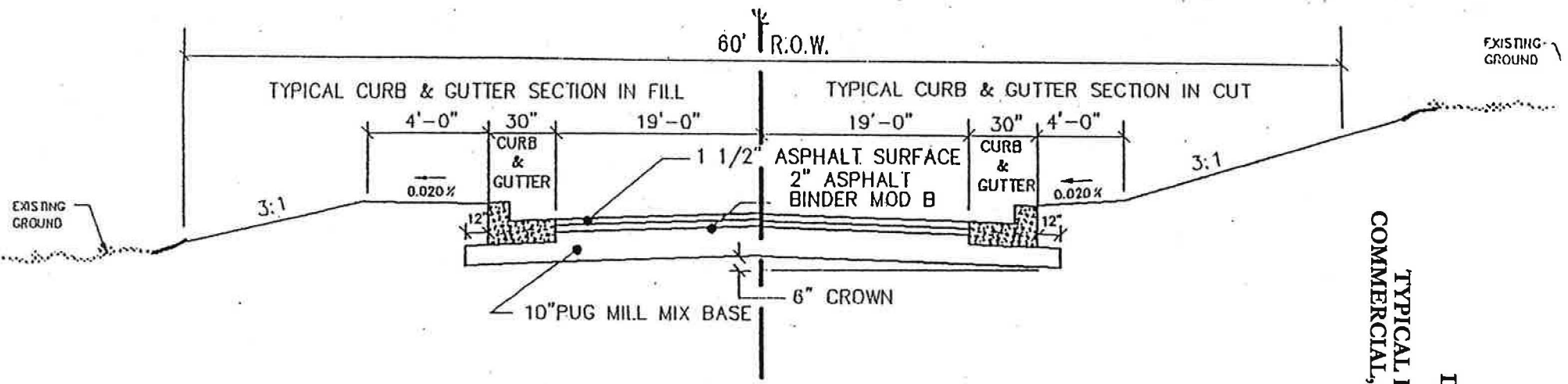


With Curbs



TYPICAL ROADWAY SECTIONS - RESIDENTIAL

DRAWING B-8



TYPICAL ROADWAY SECTIONS -
COMMERCIAL, COLLECTOR, INDUSTRIAL

DRAWING B-9

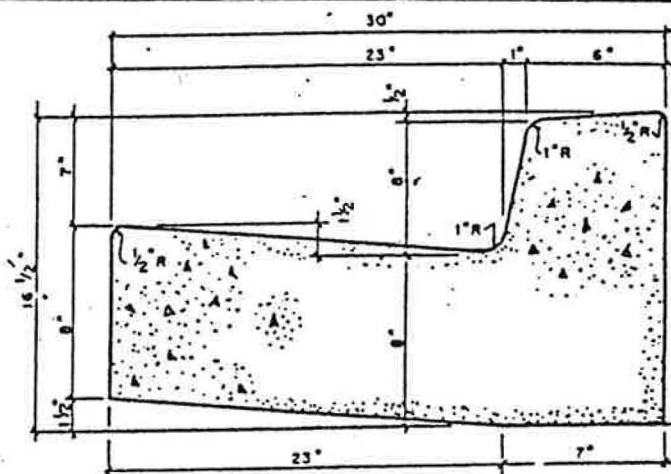
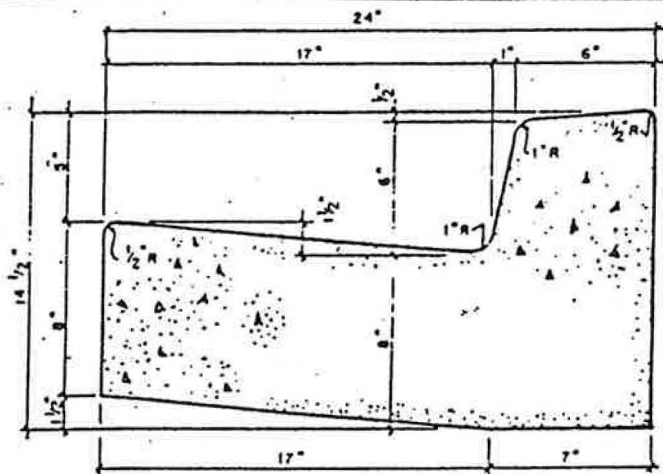
95

DRAWING B-10

CURB DETAILS

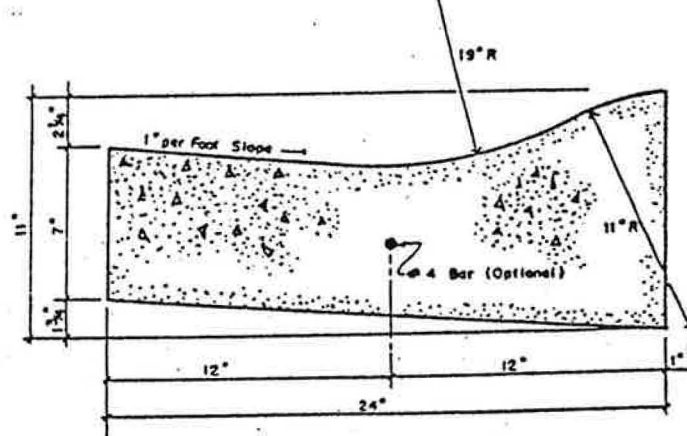
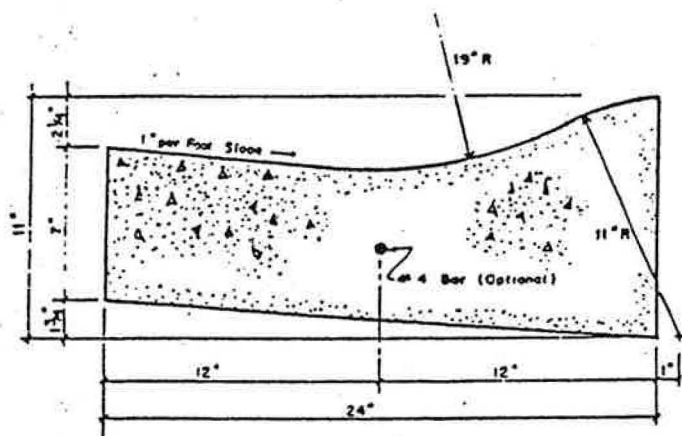
Residential Streets

Commercial and Industrial Streets



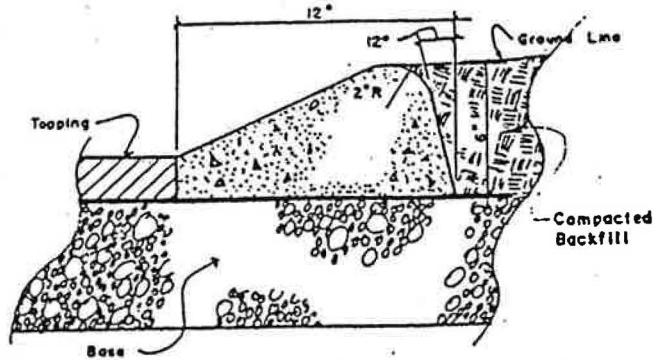
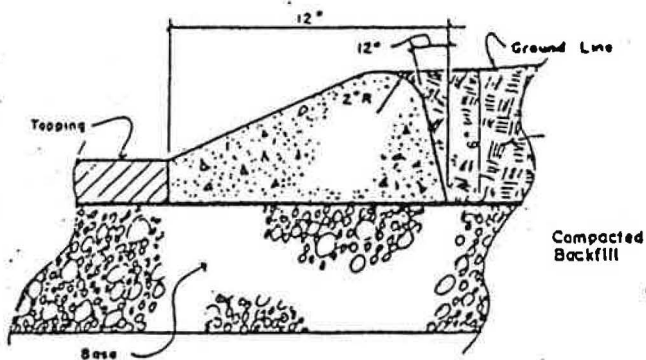
6-24
Concrete Curb and Gutter
(Not To Scale)

8-30
Concrete Curb and Gutter
(Not To Scale)



Rolled or Mountable Concrete Curb
(Not To Scale)

Rolled or Mountable Concrete Curb
(Not To Scale)

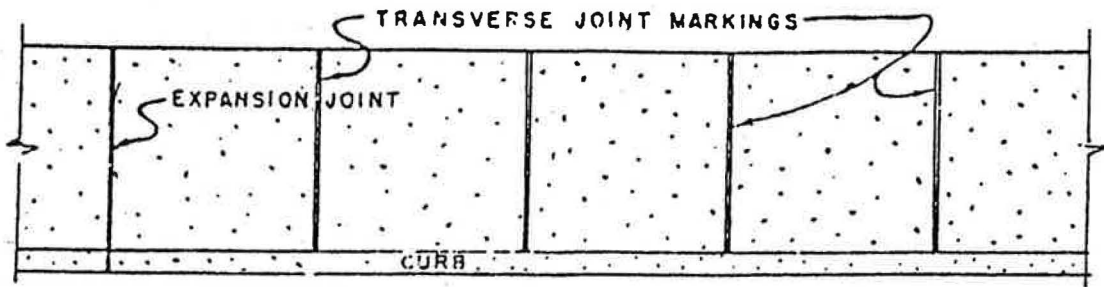


Extruded Curb
(Not To Scale)

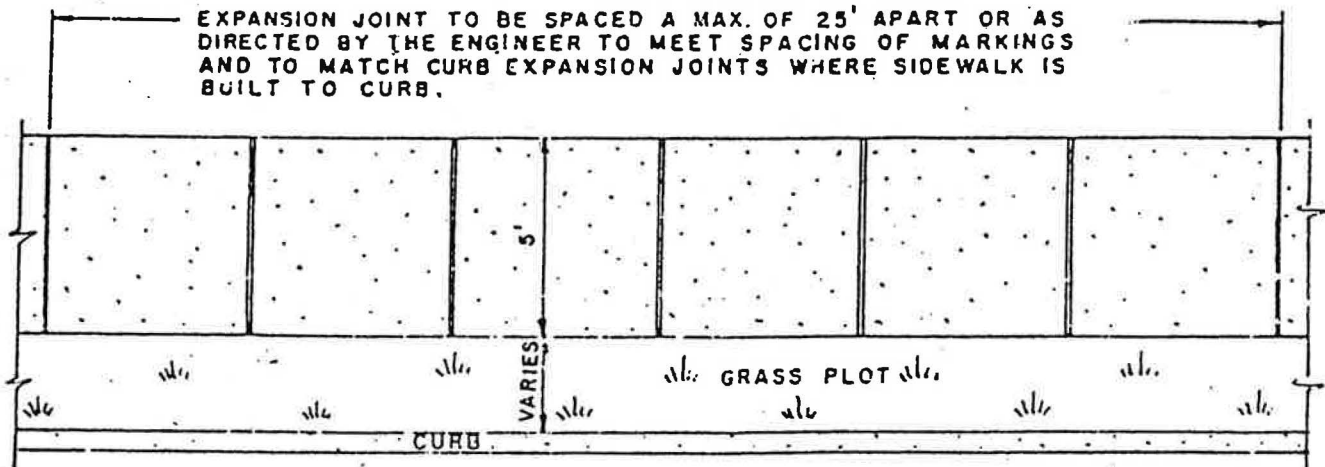
Extruded Curb
(Not To Scale)

DRAWING B-11

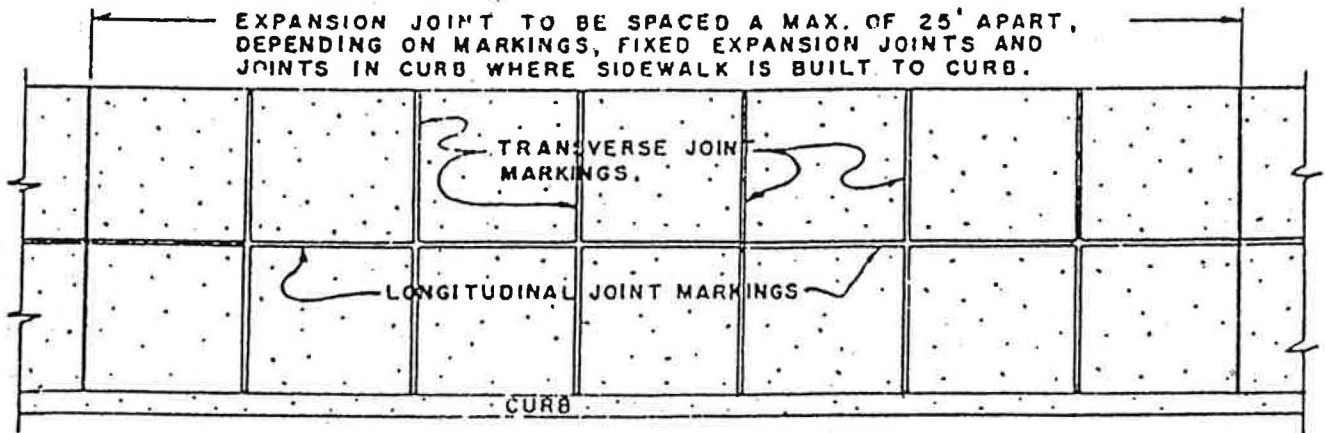
STANDARD CONCRETE SIDEWALK



5' SIDEWALK BUILT TO CURB



5' SIDEWALK WITH GRASS PLOT



SIDEWALK BUILT TO CURB
(WIDTH GREATER THAN 6')

Note: Longitudinal joint marking required on sidewalk over 5' in width to less than 9'. Two longitudinal joints for sidewalks 10' to 12'. Traverse Joint markings to form square blocks if practical as determined by fixed expansion joints. Sidewalks shall be 4" minimum thickness.

SECTION IV
MATERIALS SPECIFICATION
AND
CONSTRUCTION PROCEDURES

A. PRELIMINARY WORK

1. Location and Protection of Underground Utilities

Prior to beginning excavation or grading, the subdivider shall determine, insofar as possible, the actual locations of all underground utilities in the vicinity of his operations and shall clearly mark them so that equipment operators can avoid them. Where such utility lines or services appear to lie in the path of construction, they shall be uncovered in advance to determine their exact location and depth and to avoid damage due to excavation or grading operations. Existing facilities shall be protected during construction or removed and replaced in equal condition, as necessary.

Should any existing utility line or service be damaged during or as a result of the subdivider's operations, the subdivider shall take such emergency measures as may be necessary to minimize damage and shall immediately notify the utility agency involved. The subdivider shall then repair the damage to the satisfaction of the utility agency or shall pay the utility agency for making the repairs. In all cases the damaged structure shall be in as good or better condition as before the damage occurred.

2. Surveying and Staking

The subdivider shall be responsible for his own surveys and establish his own grades unless otherwise directed by the enforcing officer.

3. Removal of Obstructions

The subdivider shall be responsible for the removal, safeguarding, and replacement of fences, walls, structures, culverts, street signs, billboards, shrubs, mailboxes, or other obstructions which must be moved to facilitate construction. Such obstructions shall be restored to at least their original condition.

4. Clearing and Grubbing

The subdivider shall be responsible for cutting, removing, and disposing of all trees, brush, stumps, roots, and weeds within the construction area. Disposal shall be by means of chippers, landfills, or other approved methods not in conflict with state or local ordinances.

Care shall be taken to avoid unnecessary cutting or damage to trees not in the construction area. The subdivider shall be responsible for loss or damage to trees outside the permanent easement or rights-of-way.

5. Traffic Control and Safety

The subdivider shall provide and maintain access to and from all properties along the line of his work. The subdivider shall also provide temporary bypasses and bridges where necessary to route traffic and shall maintain them in a safe and usable condition whenever, in the opinion of the enforcing officer, detouring of traffic to parallel routes cannot be done without hardship or excessive increase in travel by the public.

Where single-lane by-passes are provided the subdivider shall furnish signalmen to control traffic operations and minimize delays.

The subdivider shall provide, erect, and maintain adequate barricades, warning signs, and lights at all excavations, closures, detours, points of danger, and uncompleted pavement.

B. ROADWAY CONSTRUCTION

1. Stripping, Stockpiling, and Placing Topsoil

All topsoil shall be stripped within the street right-of-way and from any other area designated by the enforcing officer. Topsoil shall be stored in stockpiles. All organic matter within the right-of-way shall be stripped and disposed of unless directed otherwise by the enforcing officer.

A two (2) or three (3) inch layer of topsoil shall be placed where seeding is required or where required by the enforcing officer.

After the stockpiled topsoil has been placed as specified above, the area where the topsoil was stockpiled shall be neatly graded and dressed.

2. Excavation

Excavation shall conform to limits indicated on the plans. Excavation materials shall be removed in such manner that the slopes can be neatly trimmed. Excavation shall not be made below grade except where rock or stone masonry is encountered or undercutting of unstable materials is required. Materials removed below grade shall be replaced with approved materials thoroughly compacted. Where borrow materials are required to complete embankments or fills the subdivider shall be responsible for providing them.

Rock excavation shall be removed to a minimum depth of twelve (12) inches below the subgrade and backfilled with approved materials which shall be thoroughly compacted.

Where a spring or seepage water is encountered that is not provided for on drainage plans it shall be reported to the enforcing officer.

3. Fills and Embankments

Embankment and fill materials shall be free from frost, stumps, trees, roots, sod, or muck. Only materials from excavation or borrow pits, or other materials approved by the enforcing officer shall be used. Materials shall not be placed on frozen ground.

Where excavated materials are used in fill construction and the materials consist of earth and various grades of rock, the fills shall be carefully constructed with the larger or hard rock on the bottom followed by the smaller or soft rock and finally the earth fill to provide a well-compacted and void-free embankment.

All depressions or holes below the natural ground surface, whether caused by grubbing, rock removal, undercutting, or otherwise, shall be filled with suitable materials and compacted to ground surface before fill construction is started.

Backfilling around a structure shall have been completed and thoroughly compacted to ground surface before any embankment materials are placed thereon.

Embankments shall be so constructed that adequate surface drainage will be provided at all times.

Fill areas shall be compacted by a sheep's foot roller, to a density of not less than ninety-five (95) percent of optimum density and each lift of fill materials shall be rolled until the roller "walk out".

The finished grade shall be test rolled with a truck to be selected by the enforcing officer. Any areas found to be soft or "pumping" shall be cut out and replaced with suitable materials in lifts, each lift shall be compacted until the excavation has been brought back to finish grade.

Fill materials shall be placed in eight (8) inch lifts, maximum thickness. Where excavated materials consist mainly of rock too large to be placed in the normal eight (8) inch thickness without crushing or further breaking down the pieces, such materials shall be placed in the fill in layers not exceeding three (3) feet in depth. No rock larger than eighteen (18) inches in dimension shall be placed in fill. Care shall be taken to fill all voids between large rock and to assure that fill materials are compacted such that settling is minimized. Compaction of the top six (6) inches of cuts or fills shall be accomplished with pneumatic-tire rollers.

Backfill around structures shall be of crushed stone or earth meeting the approval of the enforcing officer; and the fill shall be placed and compacted in eight (8) inch lifts and brought up evenly on all sides of the structure.

4. Undercutting

This work shall consist of the removal and disposal of unsatisfactory materials below grade in cut sections or areas upon which embankments are to be placed. It shall also include undercutting for pipes and box culverts where required.

Known areas to be undercut shall be designated on the materials approved by the enforcing officer. The backfill materials shall be placed in eight (8) inch lifts and compacted as specified for fill construction.

Disposal of unsatisfactory materials shall be approved by the enforcing officer.

5. Subgrade Construction and Preparation

The subgrade shall be prepared in reasonably close conformity with the lines and grades as shown on the plans.

Grading of subgrade shall be performed in such manner as to provide ready drainage of water. Ditches and drains shall be maintained to provide proper drainage during construction.

Hauling over finished subgrade shall be limited to that which is essential for construction purposes, and all ruts or rough places that develop in a completed subgrade shall be smoothed and recompact. Soft areas shall be removed and replaced with crushed stone or as directed by the enforcing officer.

The subgrade shall be checked and approved by the enforcing officer for adherence to the plans before any base materials are placed.

6. Shoulders and Slopes

All shoulders and slopes shall be trimmed and shaped to conform with the cross sections shown on the plans and as specified in Section C-5, below. Rock cuts shall be sealed of all loose fragments, projecting points, etc., so as to leave a clean and neat appearance. Shoulders shall be completed where required as shown on the plans and shall be double bituminous surface treated, with care being taken to protect the surface and edges of pavement. Shoulder materials shall be placed in uniform layers and compacted by overlapped rolling of both base course and pavement. The finished shoulder shall be firm against the pavement.

C. BASE AND PAVING

1. Base Stone

The base course of stone shall be placed and compacted in layers or lifts upon the prepared subgrade to a finish thickness as described and shown on the plans. No single layer or lift shall exceed four (4) inches in depth.

The base course shall be a pugmill mix of mineral aggregate conforming to the technical specifications set forth in Section 303, Standard Specifications. The aggregate base shall not be spread on a subgrade that is frozen or that contains frost. The base shall be placed and spread in uniform layers or lifts without segregation of size; each layer shall be compacted to a thickness no greater than four (4) inches. The stone shall be mixed with graders or other equipment until a uniform mixture is obtained. Each layer shall be compacted by rolling with alternate blading until a smooth, even, and uniformly compacted finish is obtained.

The base stone shall be graded and rolled while it is still moist from the pugmill mix. If the enforcing officer determines that the mix is too dry, water shall be added with a distributor tank truck while the stone is being graded and rolled. Compaction shall be uniform for the entire width of the roadway until a density of eighty (80) percent of the solid volume has been achieved. The enforcing officer shall approve placement and compaction of each layer before materials for the next successive layer are placed.

No pavement shall be placed until the stone base has been approved by the enforcing officer.

2. Penetration Paving

(a) Prime Coat

After the base stone has been prepared as outlined above, a bituminous prime coat shall be applied uniformly over the surface of the base by the use of an approved bituminous distributor. The prime coat shall be applied at the rate of the three-tenths (3/10) gallon per square yard, using Grade RC-70 or RC-250, or refined tar Grade RT-2, RT-3, or emulsified asphalt, Grade AE-P. If, after the bituminous materials have been applied, they fail to penetrate before the time that the roadway is to be used by traffic, dry cover materials shall be spread at a rate twelve (12) pounds per square yard to prevent damage to the primed surface. An excess of cover materials shall be avoided. No succeeding stage of construction shall be placed upon the prime coat until it has properly cured. Aggregate for cover materials shall be Size No. 78 or 8.

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 402, Standard Specifications.

(b) Double Bituminous Surface Treatment

After the prime coat has been installed in the manner set forth above a double bituminous surface treatment shall be installed using materials in the amounts indicated:

**1st Course – RC 800, RC 3,000 (.40 gal./s.y.)
cover W/size 6 stone @ 35 lbs./s/y/
2nd Course – RC 800, RC 3,000 (.35 gal./s.y.)
cover W/size 7 stone @ 25 lbs./s/y/**

In addition to these general requirements, unless otherwise stipulated, all materials and methods of installation shall conform to the technical specifications set forth in Section 404, Standard Specifications.

3. Shoulders

Shoulder construction shall be completed by blading, moistening as necessary, and by thoroughly compacting. The shoulders shall be the width and thickness shown on the typical section as required herein and covered with prime coat of double bituminous materials at the rate of between 0.38 and 0.42 gallons per square yard.

All materials and methods of installation shall conform to the technical specifications set forth in Section 402, Standard Specifications.

D. DRAINAGE SYSTEM DESIGN

1. Ditching and Channelization

This work shall consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches shall be graded in their entirety during the time the roadways are being graded; such grading shall be completed prior to final inspection of the roadways.

2. Stabilization of Ditches

All open ditches shall be stabilized in accordance with the following requirements:

<u>Size of Nearest Culvert (Upstream)</u>	<u>Seeding Required</u>	<u>Sod Required</u>	<u>To be Concrete Lined</u>
15"	Grades 1.00%-3.00%	Grades 3.00%-12.00%	Grades Exceeding 12.00%
18" thru 24"	Grades 1.00%-1.50%	Grades 1.50%-7.00%	Grades Exceeding 7.00%
30" thru 36"	Grades 1.00%-1.50%	Grades 1.00%-4.00%	Grades Exceeding 4.00%
42" thru 72"	Grades	Grades 2.50% or Less	Grades Exceeding 2.50%

3. Concrete Ditch Pavings

Concrete ditch paving shall consist of the construction of paved ditches on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface. All soft materials shall be removed and replaced with acceptable materials and shall be compacted as directed by the enforcing officer.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled immediately after the concrete has set and the forms have been removed. The backfilled materials shall be thoroughly compacted. Expansion joints shall be located as directed by the enforcing officer.

4. Culverts and Storm Drains

This work shall consist of the construction of pipe culverts and storm sewers as shown on the plans.

Driveway culverts shall be a minimum diameter of fifteen (15) inches and a minimum length of sixteen (16) feet; cross drains shall be a minimum diameter of eighteen (18) inches.

Reinforced concrete pipes shall conform to minimum standards for Class III, Reinforced Pipes, A.S.T.M. C76. Corrugated metal pipes shall conform to Section 915.02 or 915.04, Standard Specifications and to gage as follows:

Rounded Corrugated Metal Pipes	
Size	Gage
15" - 24"	16
30"	14
36" - 48"	12
54" - 72"	10
78" - 84"	8

Arch Corrugated Metal Pipes	
Size	Gage
18" x 11" - 22" x 13"	16
25" x 16" - 36" x 22"	14
43" x 27" - 65" x 40"	12
72" x 44" or Larger	10

For pipes smaller than forty-eight (48) inches in diameter, a minimum cover of one (1) foot, exclusive of base and paving, is required from top of pipes to finished subgrade. A minimum cover of two (2) feet is required for pipes forty-eight (48) inches in diameter and larger. All pipes shall be built on straight line and grade and shall be laid with the spigot end pointing in the direction of the flow, with the ends fitted and matched to provide tight joints and smooth uniform invert.

Pipes shall be bedded on a six (6) inch thickness of Class B materials and backfilled to a depth of thirty (30) percent of the diameter of the pipes. Recesses shall be dug in the bedding materials to accommodate the fill. Class B, bedding shall be Size No. 7, as shown in Chart No. 903.23, Standard Specifications. Culverts and storm drains in existing roadways shall be backfilled to the depth of the cut.

5. Headwalls

Concrete headwalls shall be constructed at both ends of cross drains as shown and detailed on the standard drawings included herein.

6. Catch Basins

This work shall consist of constructing catch basins complete within inlets, outlets, and inverts. Tops and inlets shall be constructed to conform to roadway grade so that drainage can easily be caught and no ponding created. Catch basins shall be constructed as shown and detailed on the standard drawings contained herein.

7. Box Culverts and Bridges

Design of box culverts and bridges shall be submitted to the enforcing officer for approval before construction is permitted.

8. Roadside Ditches

Roadside ditches, in conventional sections, shall be built to a grade that will permit good drainage, and in no case shall the slope of the ditch be less than one (1) percent (a fall of 1.00 foot in 100 feet). All drainage ditches shall be stabilized, as indicated in these specifications.

E. FINAL DRESSING, SEEDING, AND SODDING

1. Final Dressing

This work shall consist of dressing all slopes and areas to within reasonable close conformity to the lines and grades indicated on the plans, or as directed by the enforcing officer. Final dressing shall be performed by hand or machine to produce a uniform finish to all parts of the roadway including embankments, ditches, etc. Rock cuts shall be cleaned of all loose fragments; side slopes shall be laid back to a three to one (3:1) slope and seeded as described in these specifications.

The entire right-of-way shall be cleaned of all weeds and brush and all structures both old and new shall be cleared of all brush, rubbish, sediment, or other objectionable materials.

2. Seeding

In all areas damaged or disturbed by the construction operation where established ground cover was present before beginning of construction, the subdivider shall be responsible for restoring the ground cover after completion of construction, unless noted otherwise on drawings. All areas seeded shall be graded smooth prior to seeding and the subdivider shall be responsible for maintenance of the smooth finished grade until grass is established.

After designated areas have been carefully hand graded, soil shall be prepared for fertilizing and seeding. Fertilizer shall be a standard commercial fertilizer Grade 15-15-15, or equivalent, and shall be applied at a rate of not less than ten (10) pounds per one thousand (1,000) square feet. The fertilizer shall be lightly harrowed, raked, or otherwise incorporated into the soil for a depth of approximately one half (1/2) inch. The subdivider shall be responsible for any regrading or reseeding required to produce an acceptable grass cover. Rutting and washing shall be restored by reseeding and strawing; in areas of extreme erosion sodding may be required.

The seed shall be as follows:

<u>Name</u>	<u>Percent by Weight</u>
Lespedeza	20
Sericea Lespedeza	15
Kentucky 31 Fescue	40
English Rye	15
White Dutch Clover	5
Weeping Love Grass	5
or	
Kentucky 31 Fescue	55
Redtop	15
English Rye	20
White Dutch Clover	5
Weeping Love Grass	5

The seed shall be sown uniformly at the rate of one and one-half (1 1/2) pounds per one thousand (1,000) square feet.

3. Sodding

Sodding shall consist of furnishing and placing sod at all locations shown on the plans, or as directed by the enforcing officer. Work shall include the furnishing and placing of new sod, consisting of live, dense, well-rooted growth of permanent grasses free from Johnson Grass and other obnoxious grasses or weeds, well suited for the soil on which it is placed. All sod shall be cleanly cut in strips having a uniform thickness of not less than two and one-half (2 1/2) inches. Sod shall be set when the soil is moist and favorable to growth. No setting shall be done between October 1 and April 1, without permission of the enforcing officer. The area to be sodded shall be brought to the lines and grades shown on the plans, or as directed by the enforcing officer.

The surface of the ground to be sodded shall be loosened to a depth of not less than one (1) inch with a rake or other device. If necessary, it shall be sprinkled until saturated for a minimum depth of one (1) inch and kept moist until the sod is placed. Immediately before placing the sod, fertilizer and lime shall be applied uniformly to the prepared surface of the ground. Fertilizer shall be applied at the rate of eight (8) pounds of Grade 15-15-15, or equivalent, per one thousand (1,000) square feet.

Sod shall be placed as soon as practical after removal from the point of origin, it shall be kept in a moist condition during the interim. Sod shall be carefully placed by hand on the prepared ground surface with the edges in close contact and, as far as possible, in a position to break joints. Each strip of sod laid shall be fitted into place and tamped. Immediately after placing, the sod shall be thoroughly wetted and rolled with an approved roller. On slopes of two to one (2:1) or steeper, pinning or pegging may be required to hold the sod in place.

The sod shall be watered as directed by the enforcing officer for a period of two (2) weeks. The subdivider shall not permit any equipment or materials to be placed on any planted area and shall erect suitable barricades and guards to prevent equipment, labor, or the public from traveling on or over any area planted with sod.

Subdivision Regulation

Amendments

RESOLUTION NO. _____

CHAPEL HILL SUBDIVISION REGULATIONS

The following amendments to the Chapel Hill Subdivision Regulations are designed to eliminate inconsistencies in the existing regulations, refine development standards and improve submittal processes and development timeframes.

SECTION 1

ARTICLE II, PROCEDURES FOR PLAT APPROVAL, Subsection 2-103.1.1, Application Procedure Requirements and Subsection 2-104.1.4, Application Procedure Requirements, are amended to require submittal of preliminary and final plats respectively to take place 21 days prior to a regular meeting of the Planning Commission.

2-103.1.1 is deleted and replaced by:

be presented at the office of the building inspector at least thirty (30) days prior to a regular (officially opened) meeting of the planning commission.

Plats that are submitted as resubmissions shall be presented at the office of the building inspector no later than ten (10) days prior to a regular (officially opened) meeting of the planning commission.

2-104.1.4 is deleted and replaced by:

be presented at the office of the building inspector at least thirty (30) days prior to a regular (officially opened) meeting of the planning commission.

Plats that are submitted as resubmissions shall be presented at the office of the building inspector no later than ten (10) days prior to a regular (officially opened) meeting of the planning commission.

Newly added

SECTION 2: Add the following language to Section 2-103.2.

A written set of comments and findings will be submitted to the applicant at least twenty (20) days prior to a regular (officially opened) meeting of the planning commission. The applicant must submit a corrected plat within ten (10) days of a regularly scheduled meeting of the planning commission.

SECTION 2

ARTICLE III, ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS, Section 3-101.2, Surety Instrument, is amended to stipulate that required improvements to final plats shall be incorporated in the bond and shall not exceed one year from the date of approval.

3-101.2 Surety Instrument, is deleted and replaced by

The planning commission at its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to the signing of the final subdivision plat by providing that, as an alternative, the applicant post a bond at the time of submission

for final subdivision approval in an amount estimated by the planning commission as sufficient to guarantee to the governing body the satisfactory construction, installation, and dedication of the incomplete portion of required improvements. (See Subsection 2-103.5).

Such performance bond shall comply with all statutory requirements and shall be satisfactory to legal counsel as to form, sufficiency, and manner of execution, as set forth in these regulations. The period within which required improvements must be completed shall be specified by the planning commission in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not exceed one (1) year from date of final approval.

Such bond shall be approved by the planning commission as to amount and conditions. The planning commission may, upon proof of difficulty, extend the completion date set forth in such bond for a maximum period of one (1) additional year. The planning commission may accept at any time during the period of such bond a substitution of principal.

SECTION 3

ARTICLE IV, REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS AND DESIGN, Subsection 4-101.3.2, Monuments, is amended to list steel pins and iron rods as acceptable materials for monuments that mark property corners instead of stone and concrete. Also in Subsection 4-102.2, Lot Dimensions, the minimum radius for cul-de-sac length is changed from thirty (30) to forty (40) feet. Subsection 4-103.109, is revised to include language limiting the number of cul-de-sacs per subdivision. ARTICLE IV, is further amended to add Subsection 4-103.110, Traffic Impact Study. Subsection 4-103.204, Excess Right-of-Way, is modified to specify that cul-de-sacs, both permanent and temporary can serve a maximum of twenty-four (24) dwelling units.

4-101.3.2, is deleted and replaced by

The external boundaries of a subdivision shall be monumented in the field by steel pins and iron rods not less than two feet-six inches (2'-6") in length; nor less than four (4) inches square or five (5) inches in diameter; and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. These monuments shall be placed not more than fourteen hundred (1,400) feet apart in any straight line and at all corners or breaks at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line, said points to be not less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a public way or proposed future public way, the monuments shall be placed on the side line of the public way.

4-102.2 Lot Dimensions, is deleted and replaced by

Lot dimensions shall comply with the minimum standards of any zoning ordinance, where applicable. Where lots are more than double the minimum area required by any zoning ordinance, the planning commission may require that such lots be arranged so as to allow further subdivision and the opening of future public ways where they would be necessary to serve such potential lots, all in compliance with any zoning ordinance and these regulations. Generally side lot lines shall be at right angles to street lines or radial to curving street lines.

The minimum lot frontage on a public way shall be fifty (50) feet, except for radius of a cul-de-sac that shall be forty (40) feet.

Dimensions of the corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback requirements from both public way rights-of-way.

Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, and as established in any zoning ordinance.

Subsection 4-103.109, Subpart b, is deleted and replaced by the text below:

Dead-End Public Ways -- Where a public way does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the planning commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnabout shall be provided at the end of a dead-end public way in accordance with the design standards of these regulations.

For greater convenience to traffic and more effective police and fire protection, permanent dead-end public ways shall, in general, be limited in length in accordance with the design standards of these regulations. In addition, secondary cul-de-sacs shall not exceed five hundred (500) feet in length, and a maximum combined length of one thousand (1,800) feet for all secondary cul-de-sacs.

Subsection 4-103.110, Traffic Impact Study, includes the text below:

Any subdivision containing lots for one hundred (100) or more dwelling units may be, at the discretion of the Planning Commission, required to prepare at the expense of the developer or individual proposing the subdivision a traffic impact study. At the discretion of the planning commission, and subdivision may be required to prepare a traffic study. An engineer licensed in the State of Tennessee who specializes in traffic engineering shall prepare such study in accordance with the standard practices and procedures. The traffic study is intended to provide information as to current and proposed or projected traffic levels along streets touching, immediately abutting or directly impacted by the subdivision. The study may also advise as to an appropriate number of entrances and exists needed to ensure adequate access to the site for residents and emergency personnel. to Prior to development of the study , the applicant and/or the individual selected by the developer to prepare the study shall meet with the planning commission for purposes of establishing scope and design parameters to be used in preparing the study. Any improvements proposed to offset the traffic impact of the subdivision shall be indicated.

Section 4-103.204 Excess Right-of-Way, Length of Cul-de-sac is deleted and replaced by

Length of Cul-de-sac

Permanent	1,800 feet maximum
Temporary	1,800 feet maximum

SECTION 4

APPENDIX A, Forms, is amended to delete Form Number 1 and Form Number 2 and replace them each with revised PRELIMINARY PLAT CHECKLISTS and FINAL PLAT CHECKLISTS, Forms Number 1 and 2 respectively.

APPENDIX A, Form Number 1, is deleted and replaced by

CHAPEL HILL MUNICIPAL PLANNING COMMISSION

Form Number 1

PRELIMINARY PLAT CHECKLIST

NAME OF SUBDIVISION _____
LOCATION _____ ZONING DISTRICT _____
OWNER _____
SURVEYOR _____

- ___ 1. Five (5) copies of plat signed and sealed by a registered professional in the State of Tennessee (Subsection 2-103.1.3).
- ___ 2. Key map showing location of property with respect to surrounding property and streets (Subsections 5-102.2.1 and 5-102.2.18).
- ___ 3. Names and lot patterns of all adjoining property owners, or names of adjoining developments (Subsection 5-102.2.2).
- ___ 4. Names of adjoining public ways (Subsection 5-102.2.3).
- ___ 5. Location and dimensions of all boundary lines to the nearest one hundredth (1/100) of a foot (Subsection 5-102.2.4)
- ___ 6. Location, names, and widths of existing and proposed public ways and streets (Subsections 5-102.2.5 and 5-102.2.15).
- ___ 7. Location and names of existing water bodies, streams, and other pertinent features such as, flood prone areas, railroads, buildings, parks, cemeteries, drainage ditches, bridges, sink holes, springs, wells, etc., (Subsection 5-102.2.5).
- ___ 8. Location and dimensions of all existing and proposed easements, alleys, and other public ways (Subsection 5-102.2.6).
- ___ 9. Location, lot number, dimension, area, and minimum building setback lines of all proposed or existing lots (Subsections 5-102.2.6 and 5-102.2.7)
- ___ 10. Location and size of all culverts, driveway tiles, and associated drainage structures sized along with necessary drainage easements (Subsection 5-102.2.8).
- ___ 11. FOR CONDOMINIUM DEVELOPMENTS: Location of all existing or proposed buildings within the proposed development (Subsection 5-102.2.9)
- ___ 12. Location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation (Subsection 5-102.2.10).
- ___ 13. Limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined according to flood maps or flood studies as required (Subsection 5-102.2.11).

**Form Number 1
Preliminary Plat Checklist
Page 2**

- ___ 14. Name and address of the owner(s) of the land that is to be subdivided, the subdivider if other than the owner, and the licensed surveyor preparing the plat (Subsection 5-102.2.12).
- ___ 15. Date of the plat, approximate true north point, scale, and title of the subdivision (Subsection 5-102.2.13).
- ___ 16. Data to determine readily the general location, bearing, and length of all lines necessary to reproduce such lines upon the ground (Subsection 5-102.2.14).
- ___ 17. Zoning classification of all zoned lots, as well as an indication of all uses other than residential proposed by the subdivider (Subsection 5-102.2.16).
- ___ 18. Contours at vertical intervals of not more than two (2) feet for subdivisions with an average slope of five (5) percent or less (Subsection 5-102.2.19).
- ___ 19. Contours at vertical intervals of not more than five (5) feet for subdivisions with an average slope greater than five (5) percent (Subsection 5-102.2.19).
- ___ 20. Map and parcel number as recorded on the land tax maps of the county (Subsection 5-102.2.20).
- ___ 21. For lots where public sewer and water systems are not utilized: location and size of areas to be used for sewage disposal and their percolation results, and location of existing and proposed water wells (Subsection 5-102.2.21).
- ___ 22. Location of all existing sewage disposal field lines (Subsection 5-102.2.21).
- ___ 23. Draft of proposed restrictive covenants, if any, to be imposed and designation of areas subject to special restrictions (Subsection 5-102.2.22).
- ___ 24. Endorsement certification for preliminary plat approval which shall read as follows:

Approved by the Chapel Hill Planning Commission, with such exceptions or conditions as are indicated in the minutes of the Commission on _____
Date

APPROVED: _____
DATE

CONDITIONS:

DISAPPROVED: _____
DATE

FOLLOWING REASONS:

SIGNED: _____
SECRETARY OF PLANNING COMMISSION

APPENDIX A Form Number 2 is deleted and replaced by

CHAPEL HILL MUNICIPAL PLANNING COMMISSION

Form Number 2

FINAL PLAT CHECKLIST

NAME OF SUBDIVISION _____
LOCATION _____ ZONING DISTRICT _____
OWNER _____
SURVEYOR _____
PRELIMINARY PLAT APPROVAL DATE (if applicable) _____

- ___ 1. Five (5) copies of final plat (Subsection 2-104.1.2).
- ___ 2. Final Plat complies substantially with the approved preliminary plat, where such plat is required (Subsection 2-104.1.3).
- ___ 3. Key map showing location of property with respect to surrounding property and streets (Subsection 5-104.2.1).
- ___ 4. Names and lot patterns of all adjoining property owners, or names of adjoining developments (Subsection 5-104.2.2).
- ___ 5. Names of adjoining public ways (Subsection 5-104.2.3).
- ___ 6. Exact boundary lines of the tract, determined by a field survey, showing angles to the nearest minute and distance to the nearest one hundredth (1/100) of a foot. Survey meets the minimum accuracy requirements as stated in Subsection 5-104.2.4, of the Chapel Hill Subdivision Regulations (Subsection 5-104.2.4).
- ___ 7. Location, names, and widths of existing and proposed public ways and streets (Subsections 5-104.2.5 and 5-104.2.16).
- ___ 8. Location and names of existing water bodies, streams or rivers, railroads, parks, and cemeteries, sink holes, etc., (Subsection 5-104.2.5).
- ___ 9. Location and dimensions of all existing and proposed easements, alleys, and other public ways (Subsection 5-104.2.5).
- ___ 10. Limits of floodway and floodway fringe areas and the associated regulatory flood elevation and regulatory flood protection elevation, as determined by the planning commission (Subsection 5-104.2.6).
- ___ 11. Location, lot number, dimensions, area, and minimum building setback lines of all proposed or existing lots (Subsections 5-104.2.7, 5-104.2.8 and 5-104.2.19).
- ___ 12. Location and dimension of all property proposed to be set aside for park or playground use or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation (Subsection 5-104.2.9).\

Chapel Hill Municipal Planning Commission
Form Number 2
Final Plat Checklist
Page 2

- 13. Name and address of the owner(s) of the land that is to be subdivided, the subdivider if other than the owner, and the name and stamp of the licensed surveyor preparing the plat (Subsections 5-104.2.11, 5-104.2.12 and 5-104.2.13).
- 14. Date of the plat, approximate true north point, scale, and title of the subdivision (Subsection 5-104.2.14).
- 15. Data to determine readily the location, bearing, and length of all lines necessary to reproduce such lines upon the ground. Include radius, central angle, and tangent distance for center line of curved public ways. Indicate the location of all monuments and pins on the plat (Subsection 5-104.2.15).
- 16. Zoning classification of all lots, as well as an indication of all uses other than residential proposed by the subdivider (Subsection 5-104.2.17).
- 17. Total acreage within the subdivision (Subsection 5-104.2.18)
- 18. Line size and location of all water and sewer facilities (Subsection 5-104.2.20).
- 19. Location of all fire hydrants (Subsection 5-104.2.21).
- 20. Location, diameter, and width of all driveway culverts (Subsection 5-104.2.22).
- 21. For any lot where public sewer and water systems are not utilized: location and size of existing and proposed areas to be used for sewage disposal, and location of existing and proposed water wells (Subsection 5-104.2.23).
- 22. **Plat Certificates:** Applicable Plat Certifications in the form reproduced in Subsection 5-104.3, of the Chapel Hill Subdivision Regulations (Subsection 5-104.2.24).
 - Ownership and Dedication
 - Accuracy
 - Water System
 - Sewer System
 - County Health Department (Subsurface Septic System)
 - Approval of Streets
 - Approval for Recording

Chapel Hill Municipal Planning Commission
Form Number 2
Final Plat Checklist
Page 3

___ 23. **Performance Bonds:** the form of the performance bond, required by Subsection 2-104.1.7, and Article III, of the subdivision regulations, shall be as one of those (Forms Number 3 and 4) reproduced in the regulations and approved by the city attorney. Copies of these forms may be obtained at the office of the chief enforcing officer.

- ___ Water
- ___ Sewer
- ___ Streets
- ___ Miscellaneous

___ 24. State Department of Environment and Conservation, public water and sewer design layout and approval stamps, if applicable (Subsection 5-104.2.21).

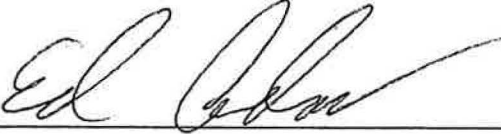
FOR CONDOMINIUM DEVELOPMENTS:

___ 25. "as built" building location and boundary survey, to "American Land Title Association" or other similar standards, datum plane or other suitable vertical location reference in order to specifically identify the upper and lower limits of each level of each condominium unit in relation to the vertical reference, copies of deed covenants, charter by-laws of any homeowners' association established (Subsection 5-104.2.10)

THIS RESOLUTION SHALL TAKE EFFECT ON ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

Date of Public Hearing: October 1, 2007

Date of Approval: October 1, 2007



Chairman



Secretary

STATE OF TENNESSEE
COUNTY OF MARSHALL

TOWN OF CHAPEL HILL
SEPTEMBER 5, 2006

The Town of Chapel Hill Planning Commission met for their regular monthly meeting on Tuesday, September 5, 2006 at 5:30 p.m. at the Chapel Hill Police and Fire Department, 119 North Horton Parkway, Chapel Hill, TN 37034.

Members Present: Chairman Ed Adams, Earl Harris, Kris Holton, John Chunn, Mayor Carl Cooper, State Department of Community Development Micah Wood and Herman Wright, Town Engineer Will Owen, Town Attorney Todd Moore and Town Clerk Amy Sanders.

Chairman Ed Adams called the meeting to order.

1. Announcements

Micah announced that this will be his last meeting and introduced his replacement Herman Wright.

2. Approval of the Minutes.

John Chunn made a motion to approve the minutes.
Kris Holton seconded.
All in favor. Motion Carried.

3. Proposed Subdivision Regulation Changes

This change would reduce the current Type D Pavement to a Type E Pavement.

Kris Holton made a motion to accept the Subdivision Regulation Changes.
John Chunn seconded.
All in favor. Motion Carried.

4. Phillip Zimmerle's Belle Rive Preliminary Plat

The plat was withdrawn from the meeting.
There will be a meeting between the engineers and developer at the site on Thursday, September 7, 2006 at 3:00 p.m. to discuss the areas that retain water.

5. Wall Minor Subdivision Plat

After discussion, the State Planner noted that since there is more than 5 acres it only needs to be recorded.

6. Howard Wall's request to re-zone a portion of his property along Nashville Highway to the Patterson Cemetery Road.

After discussion.

Earl Harris made a motion to recommend to the Board of Mayor and Aldermen to re-zone the property from R-1 Low Density Residential to B-2 Intermediate Business.

John Chunn seconded.

All in favor. Motion Carried.

7. Proposed FEMA Flood Maps.

After discussion the Board decided to make them available for public review at Town Hall and run a notice in the paper.

No further business.

Kris Holton made a motion to adjourn.

John Chunn seconded.

All in favor. Motion carried.

A handwritten signature in cursive script, appearing to read 'Ed Adams', written over a horizontal line.

Chairman Ed Adams

Proposed Amendments to the Chapel Hill, Tennessee Subdivision Regulations for the allowance of alternative wastewater treatment systems.

- 1.) Amend Article IV Requirements for Improvements, Reservations, and Design Section 4-107 Sewerage Facilities, as follows:

4-107.5 Alternative Wastewater Treatment Systems

Where any proposed subdivision is not adjacent to and cannot be connected to an existing public sewerage system, an alternative wastewater treatment system may be installed for sewage disposal. The alternative wastewater treatment system shall be designed according to the standards of the Town of Chapel Hill Water and Wastewater Department.

All alternative wastewater treatment systems shall be approved by the public utility whose water lines service the subdivision, subject to all local, state, and federal regulations. Upon completion and after approval of the public utility, all alternative wastewater treatment systems shall be deeded to the public utility whose water lines service the subdivision.

- 2.) Amend Article VI Definitions by adding the following term and definition:

ALTERNATIVE WASTEWATER TREATMENT SYSTEM: Individual subsurface disposal systems, package treatment plants, or individual aeration systems employed for the collection and treatment and/or disposal of wastewater. These systems must be approved by the Town of Chapel Hill Water and Wastewater Department and the Tennessee Department of Environment and Conservation before they are allowable in any development within Chapel Hill.

Proposed Amendment to the Chapel Hill Subdivision Regulations regarding requirement that individual sewage disposal systems be located on the proposed lot.

Article IV Requirements for Improvements, Reservations, and Design, Section 4-107.3 Sewerage Facilities, to be amended by adding the following language to the end of the second paragraph of this subsection:

Each individual disposal system, including the septic tank and field lines, shall be located completely within the boundaries of the lot which it serves.