

## TITLE 14

### ZONING AND LAND USE CONTROL

#### CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. STORM WATER REGULATIONS.
- 3.--9. DELETED.
10. MUNICIPAL FLOODPLAIN ZONING ORDINANCE.

#### CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

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

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of a minimum of five (5) members. One (1) of the members shall be the mayor of the municipality or a person designated by the mayor and one (1) of the members shall be a member of the chief legislative body of the municipality selected by that body. All other members shall be appointed by such mayor. The members of the planning commission shall be entitled to receive such reasonable compensation as may be established from time to time by the Board of Mayor and Aldermen of the City of Ridgetop. The board of mayor and aldermen shall have the right to determine separate compensation for individual members who perform administrative and or clerical duties for and on behalf of the planning commission. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall initially be appointed one (1) for a term of one (1) year; one (1) for a term of two (2) years; and one (2) for a term of three (3) years. As each of said terms expires, the re-appointment or successive appointment shall be for three (3) years. Additional members shall be appointed by the same term process and shall always consist of an odd number of members not to exceed fifteen (15) members. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (1977 Code, § 11-101, as amended by Ord. #2001-104, Feb. 2001, and Ord. #2007-109, Nov. 2007, and replaced by Ord. #2017-109, March 2017 *Ch4\_5-21-19*)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1977 Code, § 11-102)

**14-103. Additional powers.**<sup>1</sup> Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1977 Code, § 11-103)

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

## CHAPTER 2

### STORM WATER REGULATIONS

#### SECTION

- 14-201. In general.
- 14-202. Rules for construction of language.
- 14-203. Land disturbance permit (aka grading permit).
- 14-204. Storm water design.
- 14-205. Post construction.
- 14-206. Illicit discharges.
- 14-207. Enforcement.
- 14-208. Penalties.
- 14-209. Appeals.
- 14-210. Severability.

**14-201. In general.** (1) Purpose. The City of Ridgetop (city) shall administer the provisions of this chapter. It is the purpose of this chapter to:

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

(b) Enable the city to comply with the National Pollution Discharge Elimination System permits (NPDES) and applicable regulations, 40 CFR 122.26 for storm water discharges.

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

(i) Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the municipality, whether or not owned and operated by the municipality;

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

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

(iv) Review and approve plans and plats for storm water management in proposed developments;

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

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

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

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

(2) Authority. The city engineer or zoning administrator shall administer the provisions of this chapter. This shall include, but not be limited to, grading and erosion control plan review, incentives negotiation, storm water facilities maintenance, administration and enforcement.

(3) Jurisdiction. This chapter shall govern all properties within the corporate limits and planning region for the City of Ridgeway, Tennessee.

(4) Waivers. Every applicant shall provide for storm water management as required by this chapter, unless a written request is approved to waive this requirement. Requests to waive the requirements of this chapter shall be submitted to the city engineer or zoning administrator for approval. Waivers are issued at the sole discretion of the city engineer or zoning administrator and must not result in the following conditions:

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

(b) Degradation of biological functions or habitat;

(c) Accelerated stream bank or streambed erosion or siltation;

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

(5) Right-of-entry. Designated city staff shall have right-of-entry, at reasonable times, on or upon the property of any person subject to this chapter and access to any permit/document issued hereunder. City staff shall be provided ready access to all parts of the premises for purposes of inspection, monitoring, sampling, inventory, records examination and copying, and performance of any other duties necessary to determine compliance with this chapter.

Designated city staff shall have the right to set up on the property of any person subject to this chapter such devices, as are necessary, to conduct sampling and/or flow measurements of the property's storm water operations or discharges.

The city has the right to determine and impose inspection schedules necessary to enforce provisions of this chapter.

(6) Conflicting standards. If any provisions of this chapter and any other provisions of law impose overlapping or contradictory regulations, or

contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern. (as deleted by Ord. #2007-109, Nov. 2007, and replaced by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-202. Rules for construction of language.** For the purpose of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word "shall" connotes mandatory and not discretionary; the word "may" is permissive.

(1) Definitions. The following definitions shall apply in the interpretation of this chapter and in any regulations promulgated hereunder, unless specifically stated otherwise:

(a) "Accidental discharge" - A discharge prohibited by this chapter into the community waters or to waters of the state which occurs by chance and without planning or consideration prior to occurrence.

(b) "Active construction site" - Any site that has a permit for grading or other activities (even if actual construction is not proceeding) and any site where construction is occurring regardless of permits acquired.

(c) "Appeal" - A request for a review of the city engineer's or zoning administrators interpretation of any provision of these regulations.

(d) "Architect" - A person duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of building architecture.

(e) "Base flood" - The flood having a one percent (1%) chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it may also be known as the "one hundred-year flood."

(f) "Best Management Practice (BMP)" - This may refer collectively or specifically to a structural or non-structural practice intended to address water quantity or quality. Best management practices also means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States/state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(g) "Bikeway" - A facility that is explicitly provided for non-motorized bicycle travel.

(h) "Blue line stream" - Streams that are represented on the United States Department of the Interior Geological Survey (USGS) 1:24,000 quadrangle maps.

(i) "BMP treatment train" - A technique for progressively selecting various storm water management practices to address water quality, by which groups of practices may be used to achieve a treatment goal while optimizing effectiveness, maintenance needs and space.

(j) "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 (1) or more parties of certain acts.

(k) "Bridge" - A man made conveyance of storm water flows.

(l) "Building" - A structure with a roof, intended for the shelter or enclosure of persons or property.

(m) "Channel" - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel (bankfull) flow is that quantity of water that is flowing within the limits of the defined channel.

(n) "City" - The City of Ridgetop, Tennessee.

(o) "City engineer" - The engineer and designated staff for the City of Ridgetop, Tennessee.

(p) "Community waters"- Includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Ridgetop.

(q) "Construction plan" - The maps or drawings accompanying a subdivision plat or site plan and showing the specific location and design of improvements to be installed in accordance with requirements of the planning commission.

(r) "Contractor " - An individual, firm, or corporation with whom an owner or authorized agent has executed a work agreement.

(s) "Cross-drain" - A culvert or culvert system that conveys storm water from one (1) side of a roadway or obstruction to another.

(t) "Critical area" - A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

(u) "Critical design-storm period" - The time frame in which the detention volume must be controlled with the pre-development flow volume as a maximum limit. It assumes a design period for an NRCS (formerly SCS) Type II design storm. This is a watershed specific parameter that may be specified by the city engineer or zoning administrator, but may be assumed as ten to fourteen (10 to 14) hours for

small and medium watersheds (order of less than ten (10) square miles) and ten to eighteen (10 to 18) hours for large watersheds (order of ten to forty (10 to 40) square miles).

(v) "Critical service roads" - Roads designated city evacuation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

(w) "Culvert" - A man made conveyance of storm water flows. This may include a pipe or other constructed conveyance.

(x) "Cut area" - Consists of the excavation and grading of an area (site, roadway, borrow pit, waterways, ditches, benches, etc.), which in turn lowers or rearranges the elevation of the existing area.

(y) "Design specifications" - Written description of a technical nature of materials, equipment, construction systems, standards, and workmanship required for a project.

(z) "Detention" - The temporary delay of storm water runoff prior to discharge into receiving waters.

(aa) "Developer" - Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for him or others. This includes any legal or engineering representative of the "developer."

(bb) "Development" - 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 materials (as defined as materials of like nature stored in whole or in part for more than six (6) months).

(cc) "Drainage basin" - A part of the surface of the earth that is occupied by and provides surface water runoff into a storm water management facility, which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

(dd) "Drainage well" - A bored, drilled, driven, dug, or naturally occurring shaft or hole with a depth greater than the largest surface dimension; used to drain surface fluid, primarily storm runoff, into a subsurface or karst formation. Also know as "dry well" or "sinkhole."

(ee) "Easement" - Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his/her property.

(ff) "Engineer" - A person certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Tennessee Code Annotated, to practice engineering in Tennessee.

(gg) "Equal degree of encroachment" - The delineation of floodway limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is

determined by considering hydraulic conveyance of the floodplain along both sides of a stream for a significant reach.

(hh) "Erosion" - The disintegration or wearing away, of soil particles, caused by the action of flowing water or impact of precipitation on the particles.

(ii) "Erosion and sediment control plan" - A written plan, including drawings or other graphic representations, for the control of soil erosion and sedimentation resulting from a land disturbing activity.

(jj) "Erosion prevention" - Practices implemented to prevent, through shielding, binding or other mechanism(s), the suspension of soil particles in storm water runoff, often associated with erosion prevention and sedimentation control.

(kk) "Escrow" - A fiduciary agreement with the governing body in lieu of actual performance and intended to secure performance. An escrow amount may be provided as a bond subject to agreement of the governing body.

(ll) "Excavation" - See cut area.

(mm) "Existing grade" - The slope or elevation of an existing ground surface prior to cutting or filling.

(nn) "Existing construction" - Any construction related activity, for which the "start of construction," commenced before the effective date of this chapter.

(oo) "Fill area" - Consists of placing of approved materials in an area to create an embankment for a roadway, building structure, etc. which in turn raises the elevation of the existing area.

(pp) "Finished grade" - The final slope or elevation of the ground surface, after cutting or filling.

(qq) "Flood or flooding" - Water from a river, stream, watercourse, lake, or other body of standing water that temporarily overflows and inundates adjacent lands, not ordinarily covered by water, and which may affect other lands and activities through increased surface water levels and/or increased groundwater level.

(rr) "Flood frequency" - The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

(ss) "Flood Insurance Rate Map (FIRM)" - An official map of the City of Ridgetop, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

(tt) "Flood insurance study" - The official report provided by the Federal Emergency Management Agency. The report contains elevations of the base flood, floodway widths, flood velocities, and flood profiles.

(uu) "Floodplain" - The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For purposes of

this chapter, the floodplain is defined as the 100-year floodplain having a one percent (1%) chance of being equaled or exceeded in any given year.

(vv) "Floodproofing" - A combination of structural provisions, changes, or adjustments to properties and structures, subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

(ww) "Floodway" - That portion of the stream channel and adjacent floodplain required for the passage or conveyance of a 100-year peak flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a 100-year peak flood discharge can be conveyed through the floodplain without materially increasing (less than one foot (1')) the water surface elevation at any point and without producing hazardous velocities or conditions. This is an area of significant depth and velocity and due consideration should be given to effects of fill, loss of cross sectional flow area, and resulting increased water surface elevations.

(xx) "Floodway fringe" - That portion of the floodplain lying outside the floodway boundaries.

(yy) "Floor" - 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.

(zz) "Functionally dependent facility" - A facility that cannot be used for its intended purpose unless it is located or carried out in proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

(aaa) "General development plan" - An approved scheme for future land development that coincides with the development plans of the city.

(bbb) "Grading" - See land disturbing activity.

(ccc) "Greenway easement" - Property that has been designated for use by the city in support of greenway activities. This may include, but does not require, the use of trails or walkways to provide access to the general public. A greenway that is not defined with an easement may have restricted access (i.e. - Not accessible to the general public).

(ddd) "High quality waters" - High quality waters are surface waters of the State of Tennessee that are identified by the Tennessee Department of Environment and Conservation as high quality waters. Characteristics of high quality waters are that they generally provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or

geological values; or waters where existing conditions are better than water quality standards.

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

(fff) "Historic structure designation" - Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or listed individually on a state or local inventory of historic places which have been approved by the Secretary of the Interior.

(ggg) "Illicit connection" - An unauthorized connection to the municipal separate storm sewer system whether or not such connection results in discharges into the system.

(hhh) "Illicit discharge" - Any discharge to the municipal separate storm sewer system that is not entirely composed of storm water and not specifically exempted under § 14-206(4).

(iii) "Impervious surface" - A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

(jjj) "Land disturbing activity" - Any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of, land except those activities listed in § 14-206(4) of this chapter.

(kkk) "Land surveyor" - A person certified and registered by the State Board of Land Surveying Examiners pursuant to Tennessee Code Annotated to practice land surveying in Tennessee.

(lll) "Landscape architect" - A person duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of landscape architecture.

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

(nnn) "Maintenance" - Any activity necessary to keep a storm water management facility in good working order so it will function as

designed. Maintenance shall include complete reconstruction of a storm water management facility if reconstruction is required in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site that directly impairs the function of the storm water management facility.

(ooo) "Maintenance agreement" - A document recorded in the land records that acts as a property deed restriction, and which provides for access to the site for inspection by city staff and which provides for long-term maintenance of the storm water management facilities.

(ppp) "Master plan" - Any study or plan prepared by or accepted by the City of Ridgetop that identifies solutions to water quantity or quality issues. Also known as basin study or plan, flood management study or plan, or water quality management study or plan.

(qqq) "Municipal Separate Storm Sewer System (MS4)" - The portion of public infrastructure that is not considered "waters of the state". Usually MS4 refers to dry-weather conveyances while "waters of the state" are typically wet-weather conveyances. This determination is made by the Tennessee Department of Environment and Conservation.

(rrr) "National Pollutant Discharge Elimination System (NPDES)" permit - A permit issued pursuant to 33 U.S.C. 1342.

(sss) "Natural ground surface" - The ground surface in its original state before any grading, excavating, or filling. See existing grade.

(ttt) "New construction" - Structures for which the "start of construction" commenced on or after the effective date of these regulations. The term also includes any subsequent improvements to such structures.

(uuu) "NPDES MS4 Phase II Program" - National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program is the Environmental Protection Agency storm water program that focuses on smaller communities such as Ridgetop, Tennessee.

(vvv) "National Resources Conservation Service (NRCS)" - Formally known as the Soil Conservation Service (SCS).

(www) "One hundred-year flood" - A flood that has an average frequency of occurrence of once in one hundred (100) years, determined from an analysis of floods for a particular watershed and other watersheds in the same general region. Statistically, it has a one percent (1%) chance of occurring in any given year. See "Base flood."

(xxx) "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.

(yyy) "Performance bond" - See bond.

(zzz) "Permittee" - Any person, firm, or any other legal entity to which a land disturbance, grading, building or other related permit is issued in accordance with City of Ridgetop regulations or ordinances.

(aaaa) "Planning commission" - A public planning body established pursuant to title 13, chapters 3 or 4, Tennessee Code Annotated, to execute a partial or full planning program within authorized area limits.

(bbbb) "Planning region" - For the purpose of this chapter, the area composed of territory of the Ridgetop, Tennessee municipality together with the designated Ridgetop Planning region granted to the city by the state of Tennessee under § 13-3-102 of Tennessee Code Annotated.

(cccc) "Priority area" - An area where land use or activities generate or may generate highly contaminated storm water runoff, with concentrations of pollutants in excess of those typically found in storm water. Priority areas also refer to areas that discharge to streams that do not meet their designated use such as 303(d) streams, as defined by TDEC, or that discharge to "high quality waters."

(dddd) "Public improvement" - Any drainage ditch, roadway, sidewalk, pedestrian way, tree, lawn, off street parking area, lot improvement, storm water facility, or other facility for which the governing body may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the governing body's responsibility is established.

(eeee) "Receiving waters" - A river, stream, or other watercourse into which storm water runoff is discharged.

(ffff) "Redevelopment" - Development improvements that have a value less than fifty percent (50%) of the current assessed value and/or increase the floor area by less than twenty-five percent (25%). Demolition and reconstruction is considered development and not redevelopment. Note: this is different than significant redevelopment.

(gggg) "Regional storm water management facility" - A device or management practice, typically but not always a detention or retention pond. The facility may serve multiple homogenous land use areas or an area of various land uses.

(hhhh) "Resubdivision" - A change in a map of any approved or recorded subdivision plat altering the number or dimensions of the lots incorporated within the confines of the original plat.

(iiii) "Retention" - The prevention of storm water runoff from directly discharging into receiving waters. Examples include systems which discharge through percolation, exfiltration, filtered bleed-down and evaporation processes.

(jjjj) "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.

(kkkk) "Soil Conservation Service (SCS)" - See National Resources Conservation Service.

(llll) "Sediment" - Solid material, both mineral and organic, that is in suspension, being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

(mmmm) "Sediment control" - Practices implemented to manage through filtering, settling or other mechanism(s) the removal of suspended particles (soil, organic or mineral) from storm water, often associated with erosion prevention and sedimentation control.

(nnnn) "Significant redevelopment" - Development improvements that have a value greater than fifty percent (50%) of the current assessed value, increases the floor area twenty-five percent (25%) or more, changes in the impervious surface area, redirects the flow of storm water runoff in any way, modifies the storm sewer system, or changes storm water characteristics. Demolition and reconstruction is considered development and not redevelopment. Note: this is different than redevelopment.

(oooo) "Significant spill" - A spill or any other discharge which could constitute a threat to human health or the environment.

(pppp) "Site" - All contiguous land and bodies of water in one (1) ownership graded or proposed for grading or development as a unit, although not necessarily at one (1) time.

(qqqq) "Slope" - Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

(rrrr) "Soil" - All unconsolidated mineral and organic material of any origin that overlies bedrock and that can be readily excavated.

(ssss) "Soil engineer" - A professional engineer, who is qualified, licensed and/or registered by the appropriate authority to practice applied soil mechanics and foundation engineering within the State of Tennessee.

(tttt) "Start of construction" - For purposes of erosion and sediment control, any alteration of the original surface area of the land from and after the date and adoption of this chapter.

(uuuu) "Storm water" - Rain runoff, snowmelt runoff, surface runoff, and drainage.

(vvvv) "Storm water director" - The City Engineer or Zoning Administrator for the City of Ridgetop, Tennessee.

(wwww) "Storm water management facilities" - Drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtances by means of which storm water is collected , transported, pumped, treated or disposed of.

(xxxx) "Storm Water Pollution Prevention Plan (SWPPP)" - A written site specific plan to eliminate or reduce and control the pollution of storm water through designated facilities, sedimentation ponds, natural or constructed wetlands, and best management practices.

(yyyy) "Stripping" - Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

(zzzz) "Structure" - An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, silos and overhead transmission lines.

(aaaaa) "Subdivision" - 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.

(bbbbb) "Substantial damage" - Damage of any origin sustained by a structure whereby the cost of restoring the structure to the before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage.

(cccc) "Substantial improvement" - Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be

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

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

For the purposes 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 structure.

(ddddd) "Substantial work" - A sufficient amount of construction activity, as defined by the city engineer or zoning administrator, which demonstrates progress toward site completion.

(eeee) "Tract" - A portion of land with definite and ascertainable limits or boundaries.

(ffff) "Water quality" - Those characteristics of storm water runoff that relate to physical, chemical, biological, or radiological integrity of water.

(ggggg) "Water quantity" - Those characteristics of storm water runoff that relate to the rate and volume of storm water runoff.

(hhhhh) "Waters of the state" - Any water body determined to be in the jurisdiction of the Tennessee Department of Environment and Conservation (TDEC). Waters of the state are separate and distinct from an MS4 and private infrastructure.

(iiii) "Water body" - A channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm water runoff and floodwater flows either regularly or infrequently.

(jjjj) "Watershed" - The area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

(kkkk) "Waterway buffer" - An area separating a waterway from buildings and/or structures. Typically, buffers are maintained in a natural or vegetative state providing environmental and aesthetic benefits.

(llll) "Wetland" - Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support vegetation typical of life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs and similar areas.

(mmmm) "Zoning administrator" - An appointed designee by the city board of mayor and alderman to evaluate and approve property use, review plans, plats and issue building and zoning permits, interpret and enforce building and zoning ordinance, rules and regulations, inspect zoning, and construction sites for compliancy, issue warnings, stop work orders and fines for violations.

(nnnn) "Zoning ordinance" - A statute, legally adopted pursuant to title 13, chapter 7, Tennessee Code Annotated, for the purpose of regulating, by district, land development or use for a designated area.

(2) Abbreviations. The following is a list of abbreviations used within this chapter. The appropriate designation shall refer to the latest edition or update published by that organization:

- (a) AASHTO: American Association of State Highway and Transportation Officials
- (b) ASTM: American Association of State Highway and Transportation Officials
- (c) BMP: Best Management Practice
- (d) CFR: Code of Federal Regulation
- (e) FIRM: Flood Insurance Rate Map
- (f) MS4: Municipal Separate Storm Sewer System
- (g) NPDES: National Pollutant Discharge Elimination System
- (h) NRCS: National Resources Conservation Service
- (i) PUD: Planned Unit Development
- (j) SCS: Soil Conservation Service
- (k) SWPPP: Storm Water Pollution Prevention Plan
- (l) TDEC: Tennessee Department of Environment and Conservation
- (m) TDOT: Tennessee Department of Transportation

- (n) USC: United States Code
- (o) USGS: United States Geological Survey (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-203. Land disturbance permit (aka grading permit).**

(1) Applicability. The provisions of this section shall apply to all new developments on each lot, site or common development which has not received final plat approval, final site plan approval or a building permit prior to the effective date of this chapter. No person shall undertake stripping or land disturbance activities of an area greater than one (1) acre or change the elevation of a property without first obtaining a Land Disturbance Permit (LDP) from the city engineer or zoning administrator.

(2) Exemptions. The following land disturbance activities are exempt from the requirements of obtaining a land disturbance permit:

- (a) Surface mining as is defined in Tennessee Code Annotated, § 59-8202;
- (b) Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home additions or modifications, home maintenance work, and other related activities that result in minor soil erosion;
- (c) Individual service and sewer connections for single or two (2) family residences;
- (d) Agricultural practices involving the establishment, cultivation or harvesting of products in the field or orchard, preparing and planting of pastureland, farm ponds, dairy operations, livestock and poultry management practices, and the construction of farm buildings.
- (e) Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- (f) Construction, installation, or maintenance of electrical, telephone and cable television lines and poles;
- (g) Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard surface road, street or sidewalk which is hard surfaced and such street, curb, gutter or sidewalk construction has been approved;
- (h) Construction, repair or rebuilding of tracks or other related facilities of a railroad company;
- (i) Land disturbance activities that do not disturb more than one (1) acre of land. This exception may not be applied for contiguous properties that may have been subdivided and/or are attributed to multiple separate owners. This exemption does not apply to any discharge of sediment or other form of water pollution that may leave a small site; and,

(j) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

These activities may be undertaken without a land disturbance permit; however, the persons conducting these excluded activities shall remain responsible for conducting these activities in accordance with provisions of this chapter and other applicable regulations including responsibility for controlling sedimentation and runoff.

(3) Application. No land disturbing activity, whether temporary or permanent, shall be conducted within the city unless a land disturbance permit has been issued by the city engineer or zoning administrator. Such permits shall be available for inspection by the city on the job site at all times during which land disturbance activities are in progress. Each application for a LOP shall include the following:

- (a) Name of applicant;
- (b) Business or residence address of applicant;
- (c) Name, address, and telephone number of the owner of the property of record;
- (d) Address and legal description of subject property including the tax reference number and parcel number of the subject property;
- (e) Name, address, and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the storm water management plan;
- (f) A statement indicating the nature, extent and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
- (g) Where the property includes a sinkhole, the applicant shall obtain from the state department of environment and conservation appropriate permits;
- (h) The applicant shall obtain from any other State or Federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the city from imposing additional development requirements and conditions, commensurate with this chapter, on the development of property covered by those permits;
- (i) A sediment and erosion control plan containing the following:
  - (i) Perimeter controls;
  - (ii) Slope protection;
  - (iii) Sediment traps and basins;
  - (iv) Drainage way and stream protection;
  - (v) Temporary stabilization;
  - (vi) Permanent stabilization;
- (j) A grading plan containing the following:

- (i) Existing and proposed site contours of an interval no greater than five feet (5');
- (ii) Existing and proposed buildings on the property (including floor elevations);
- (iii) Existing and proposed drainage structures on, and in the immediate vicinity of, the property. Must include size, type, slope, and invert elevations of the structures;
- (iv) Submit drainage and runoff calculations (including a drainage basin worksheet) and temporary sediment/detention pond design as required by the city. Calculations should be for pipes and ditches as well as areas where the runoff sheet flows;
- (v) Existing and proposed paving on the property (including parking and roadway improvements);
- (k) An NPDES permit tracking number; and,
- (l) Land disturbance permit bond - prior to the issuance of a permit for any land disturbance activity affecting more than five (5) acres, the applicant shall be required to provide a land disturbance bond to the City of Ridgetop to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved grading plan. For smaller areas when potentially hazardous soil or drainage conditions exist due to types of soils, steep grades, floodplain development or nearby lakes, streams or large drainage ditches, the applicant may be required, at the discretion of the city engineer or zoning administrator, to provide a land disturbance permit bond to guarantee completion of all land and grade stabilization measures and improvements as shown by the approved plan.

The city engineer or zoning administrator shall establish the amount and time period of the security, based on the estimated cost and time for completing the plan. The land disturbance permit bond shall be in the form of cash, a certified check, an irrevocable letter of credit, or a surety bond rated A- or better. All irrevocable letters of credit submitted to the city must either be payable at a local bank within a fifty (50) mile radius of the corporate limits of the City of Ridgetop or specifically state that the letter of credit can be drawn upon by certified mail.

Such land disturbance permit bond shall be satisfactory to the city attorney as to form, sufficiency of surety, and manner of execution. Within thirty (30) days of the city engineer or zoning administrator determination that all provisions of the approved plan have been completed or upon receipt of an acceptable site performance bond for required site and grading improvements or a subdivision performance bond for required subdivision improvements, such land disturbance permit bond shall be refunded or terminated.

(4) Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one (1) year.

(5) Inspection of construction. The applicant must notify the city two (2) working days in advance of the commencement of construction.

Erosion control measures must be in place and inspected by the city engineer or zoning administrator prior to grading.

Routine inspections of erosion control devices shall be performed to insure effectiveness throughout the project duration. (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-204. Storm water design.** (1) General. (a) This chapter outlines the minimum standards for storm water design. The city engineer or zoning administrator reserves the right to require additional calculations or information.

(b) A major drainage system carries runoff from a 100-year storm event and consists of one (1) or more minor drainage systems. Major drainage systems shall be designed such that no building will be flooded during a 100-year frequency storm if the minor drainage system experiences total failure.

(c) A minor drainage system is used for collecting, transporting, and disposing of snow melt, miscellaneous minor flows, and storm runoff up to the capacity of the system. The capacity should be equal to the maximum rate of runoff to be expected from the initial design storm of 10-year frequency.

(d) Utility conflicts - see utility department manuals.

(e) All easement requirements shall be per the Ridgetop Subdivision Regulations.

(f) The developer shall study the effect of each project on existing downstream drainage facilities outside the area of the project. Where it is anticipated that the additional runoff incident to the development of the project will overload an existing downstream facility, the city engineer or zoning administrator may withhold approval of the project until provisions have been made for adequate improvement of such drainage facilities. No project shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(g) Storm water systems should be designed to:

(i) Account for future development in the watershed or affected portions thereof, as permitted by the applicable zoning regulations;

(ii) Follow existing flow paths;

(iii) Convey storm water to a stream, channel, natural drainage facility, or other existing facility of sufficient capacity to receive the storm water runoff;

(iv) Exit the site at an easement or right-of-way location.

(g) In residential subdivision developments, where the average lot size is less than twenty thousand (20,000) square feet, lots should generally be graded in such a manner that surface runoff does not cross more than three (3) lots or have peak discharges greater than four (4) cfs before it is collected in an open or closed storm water system.

(h) All construction requirements shall be per the City of Ridgeway Zoning Regulations and/or Subdivision Regulations.

(i) The developer will insure that all artesian ground waters of a permanent or temporary nature will be conveyed through the storm water system. Regardless of the location of property lines, intercept will be allowed 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 two (2) years following acceptance of all roads and utilities.

(2) Hydrology. (a) Any drainage area greater than forty (40) acres shall require a drainage basin worksheet.

(b) The rational method is the preferred method for drainage areas less than or equal to one hundred (100) acres.

(c) Drainage areas greater than one hundred (100) acres shall use the SCS unit hydrograph procedure or other approved calculations.

(d) Intensity-duration-frequency curves for Metro Nashville shall be used. Copies of these curves are available in the office of the city engineer.

(e) Drainage calculations shall be provided for all designs. All areas for calculation shall be determined from field run topography or current USGS quadrangle sheets.

(3) Open channel design. (a) Where open channels are utilized, they shall be designed for the 10-year design storm. If the 10-year design flow for an open channel system is greater than one hundred (100) cfs, then the channel shall be capable of passing the 100-year design flow within the drainage easement.

(b) Trapezoidal or parabolic ditch cross-sections are preferred. Triangular ditch cross-sections should be avoided.

(c) Use of riprap must be approved by the city engineer.

(d) Low flow concrete sections are required where flow is greater than 100 cfs, unless waived by the city engineer.

(e) Ditches running parallel and adjacent to a curbed street are not allowed.

(f) Manning's equation is recommended for evaluating uniform flow conditions in open channels.

(g) Stabilization of ditches - all open ditches shall be stabilized in accordance with the following requirements:

Size of Nearest Culvert (Upstream)	<u>Seeding Required</u>	Sod or Permanent <u>Matting Required</u>	<u>Concrete Swale</u>
Any size pipe			Grades less than 0.60% slope
15"	Grades 0.60-3.00%	Grades 3.00-12.00%	Grades exceeding 12.00%
19" thru 24"	Grades 06.0-1.50%	Grades 1.50-7.00%	Grades exceeding 7.00%
30" thru 36"	Grades 06.1-1.50%	Grades 1.00-4.00%	Grades exceeding 4.00%
42" thru 72"		Grades 2.50% or less	Grades exceeding 2.50%

(4) Gutter and inlet design. (a) Inlets shall be located or spaced in such a manner that the design curb flow does not exceed eight feet (8') of spread.

(b) Underground storm water facilities shall have accesses a minimum of two hundred feet (200') apart for pipe less than or equal to twenty-four inches (24") diameter and three hundred feet (300') apart for pipe between thirty and forty-two inches (30" and 42") in diameter.

(c) No flow shall be allowed to cross intersecting streets unless approved by the city engineer.

(d) Combination inlets shall always be used under sump conditions and at the end of cul-de-sacs.

(5) Culvert design. (a) Culverts shall be eighteen inches (18") diameter minimum and have a one-half percent (0.5%) slope minimum.

(b) RCP is required under all roadways.

(c) Arterial or collector roadway cross-drains shall be designed to pass the 100-year design storm.

(d) Local roadway culverts shall be designed to pass the 10-year design storm. If the 10-year design flow exceeds one hundred (100) cfs then the local roadway cross-drains shall be designed to pass the 100-year design storm.

(e) A minimum velocity of two and one half (2.5) fps, when a culvert is flowing full, is required to ensure a self-cleaning condition during partial depth flow.

(f) A minimum of one foot (1') of cover shall be provided over all culverts.

(g) The maximum velocity shall be consistent with channel stability requirements at the culvert outlet.

(4) Bridges. (a) The peak discharge design return period for spans greater than twenty feet (20') shall be designed for 100-year storm event.

(b) To allow debris to pass without causing damage, the recommended minimum clearance between the design flood stage and the low member of the bridge shall be one foot (1'), unless boat traffic is anticipated.

(7) Detention/retention design. (a) Control structure release rates should approximate pre-development peak rates for the 2-year thru the 10-year storm events with an emergency overflow capable of handling the 100-year discharge, except where waived by the city engineer. Design calculations are required to demonstrate that the 2- and 10-year design storms are controlled. If so, intermediate storm return periods can be assumed to be adequately controlled.

(b) Detention volume shall be adequate to attenuate the post-development peak discharge rates to the design release rates.

(c) If the 10-year post-development runoff increase is less than three (3) cfs from the 10-year pre-development runoff, then a detention pond waiver may be given by the city engineer.

(d) Detention volumes shall be drained within seventy-two (72) hours.

(e) Vegetated embankments shall be less than ten feet (10') in height with side slopes no greater than 3: 1.

(f) The interior bottom slope shall not be less than one percent (1%), unless a concrete swale is approved.

(g) The top of the berm shall be no less than three feet (3') wide.

(h) Retention pond design and calculations must be approved by the city engineer.

(i) Detention/retention systems shall be constructed and operational during the initial phase of construction. This requirement shall be clearly stated on the plans.

(j) Impoundment depths greater than twenty feet (20') are subject to the State Dam Safety Act. Requirements of the State Dam Safety Program shall be followed.

(k) The design engineer shall design detention/retention facilities that require minimal maintenance. The maintenance responsibility shall be clearly stated on the plans and be in accordance with § 14-205(2) of this chapter.

(l) If siltation during construction causes a loss of detention volume, design dimensions shall be restored. This requirement shall be clearly stated on the plans.

(8) Erosion and sediment control. (a) The erosion and sediment control plan must include appropriate construction specifications for all control measures. These specifications must be developed by the design engineer as required for site-specific conditions. Typical specifications may be obtained from the most recent edition of the Tennessee Erosion and Sediment Control Handbook (Tennessee Department of Environment and Conservation) latest edition.

(b) Properties adjacent to a land disturbance site shall be protected from sediment deposition. Vegetated buffer strips shall be at least twenty feet (20') wide.

(c) Sediment traps may be used to detain sediment-laden storm water runoff from drainage areas. Sediment traps shall have an initial storage volume below the crest of the overflow structure of sixty-seven (67) cubic yards per acre of drainage area.

(d) Temporary check dams shall be constructed across open channels.

(e) The designer must consider and provide a design to dissipate energy and eliminate scour on the downstream side of all outlet structures. See § 14-204(9) of this chapter for approved outlet protection alternatives.

(f) Ninety percent (90%) of all pervious areas on a site shall have a dense ground cover prior to release of any bond. In drainage ways, one hundred percent (100%) of dense ground cover must be established.

(9) Outlet protection. (a) Outfalls must be designed to discharge the runoff without deterioration of the downstream drainage facilities.

(b) Fencing shall be required for detention areas where:

(i) Rapid stage changes occur; or,

(ii) Water depths exceed two and one-half feet (2.5') for more than twenty-four (24) hours; or,

(iii) Interior flow velocity is more than five (5) fps; or,

(iv) Interior side slopes are greater than 1.5:1; or,

(v) In some cases, it may be advisable to fence the watercourse or ditch rather than the detention area.

(c) Grates or covers are required on top of all detention pond outlet structures.

(d) Energy dissipater blocks and erosion control fabric are preferred for outlet protection. Use of riprap requires prior approval from the city engineer.

(10) Sinkhole policy. (a) The developer shall provide the city engineer with a geologic report of all sinkholes receiving storm water runoff from the site. This report shall be prepared by a registered engineer experienced in geology and ground water hydrology and shall include hydraulic calculations needed to show that offsite flooding will not be increased.

(b) Any sinkhole or natural channel utilized as a means of moving ground water into a subterranean system shall be protected by structures as approved by the city engineer.

(c) The developer shall provide an alternate drainage route to provide runoff relief in case of sinkhole failure.

(d) Sinkholes used as a detention facility shall meet the requirements of § 14-204(7), detention/retention design. (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-205. Post construction.** (1) General. The following requirements apply to existing and proposed sites:

(a) Sedimentation and erosion shall be maintained onsite. The city engineer or zoning administrator shall have the authority to require the owner(s) to repair onsite erosion and manage siltation before it leaves the property.

(b) Impervious areas greater than ten thousand (10,000) square feet are required to drain through a vegetated buffer of a minimum twenty feet (20') prior to leaving the property. In locations where site outfalls do not exit through vegetated buffers of at least twenty feet (20'), structural BMPs shall be required by the city engineer or zoning administrator.

(c) In areas where a floodplain and floodway have been identified on the most current FEMA maps, the buffer shall be inclusive of all areas within the floodway. Additional buffer width may be required by the city engineer or zoning administrator.

(d) In areas where a floodplain and floodway have not been identified on the most-current FEMA maps, and if the waterway on the United States Geological Quadrangle map is a "blue line" or intermittent "blue line" stream, the buffer shall be at least twenty-five feet (25') perpendicular from each side of the stream bank.

(2) Post-construction maintenance. (a) Maintenance for proposed sites.

(i) Private ownership - In all cases except where the stormwater facilities are under municipal ownership as defined by subsection (b), responsibility for maintenance shall lie with the owner of the facilities. The responsibilities of the owner for post-construction maintenance of the storm water facilities shall be submitted with the plans for determination of their adequacy. Approval of these plans shall be conditioned upon a determination by the city engineer or zoning administrator that such responsibilities are adequately addressed. These terms shall be in writing, subject to recording, and in addition to any other terms deemed necessary to the enforcement of this chapter, contain a provision permitting inspection at any reasonable time by the city. The owner shall also execute a storm water facilities agreement

with the city, a copy of which shall be kept on file in the office of the city engineer or zoning administrator.

(ii) **Municipal ownership** - Where the city has accepted an offer of dedication of the permanent storm water management facilities, the city shall be responsible for maintenance.

(b) **Maintenance for existing sites.** The maintenance responsibility for permanent stormwater runoff control shall be the responsibility of the owner(s) of the property or any previously established ownership group(s). (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-206. Illicit discharges.** (1) Prohibition of illicit discharges. Pursuant to the NPDES Municipal Separate Storm Sewer System (MS4) program administered by the Tennessee Department of Environment and Conservation, non-storm water discharges to the city's MS4 are defined as illegal. Non-storm water discharge means any discharge to the MS4 except as permitted by § 14-206(4) of this chapter.

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

(3) Accidental spills. In the event of any discharge of a hazardous substance in amounts which could cause a threat to public drinking supplies, a "significant spill," or any other discharge which could constitute a threat to human health or the environment, the owner or operator of the facility shall give notice to the city engineer, zoning administrator or his designee and the field office of the Tennessee Department of Environment and Conservation as soon as practicable, but in no event later than the close of business on the day following the accidental discharge or the discharger becomes aware of the circumstances. If an emergency response by governmental agencies is needed, the owner or operator should also call 911 immediately to report the discharge. A written report must be provided within five (5) days of the time the discharger becomes aware of the circumstances, unless this requirement is waived by the city engineer or zoning administrator for good cause determined on a case-by-case basis, containing the following particulars:

- (a) Description of the discharge,
- (b) Exact times and dates of discharge, and
- (c) Steps being taken to eliminate and prevent recurrence of the discharge.

The discharger shall take all reasonable steps to minimize any adverse impact to the community waters or waters of the state, including such accelerated or additional monitoring as necessary to determine the nature and impact of the

discharge. It shall not be a defense for the discharger in an enforcement action that it would have been necessary to halt or reduce the business or activity of the facility in order to maintain water quality and minimize any adverse impacts that the discharge may cause.

(4) Allowable discharges. Certain non-storm water discharges are allowable, as defined below, into the city's MS4 unless the city engineer or zoning administrator has identified them as a source of pollutants to the "waters of the State of Tennessee." The following non-storm water discharges into the MS4 are allowed:

- (a) Water line flushing or other potable water sources;
- (b) Landscape irrigation or lawn watering with potable water;
- (c) Diverted stream flows;
- (d) Rising ground water;
- (e) Uncontaminated groundwater infiltration to storm drains;
- (f) Pumped uncontaminated groundwater;
- (g) Foundation or footing drains;
- (h) Crawl space pumps;
- (i) Air conditioning condensation;
- (j) Uncontaminated springs;
- (k) Non-commercial washing of vehicles;
- (l) Natural riparian habitat or wetland flows;
- (m) Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine);
- (n) Street washing waters resulting from normal street cleaning operations;
- (o) Controlled flushing of storm water conveyances (controlled by appropriate best management practices);
- (p) Discharges within the constraints of a NPDES permit from the Tennessee Department of Environment and Conservation;
- (q) Fire fighting activities;
- (r) Discharges approved at the discretion of the city engineer or zoning administrator; and,
- (s) Any other uncontaminated water source. (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-207. Enforcement.** The city may institute appropriate actions or proceedings by law or equity for the enforcement of this chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of non-compliance is considered a separate offense; and nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. Any of the following enforcement remedies and penalties shall be available to the city in response to violations of this chapter. If the person,

property or facility has or is required to have an NPDES permit from the Tennessee Department of Environment and Conservation, the city shall alert the appropriate state authorities of the violation.

(1) Notice of violation. Whenever the city engineer or zoning administrator finds that any permittee or any other person discharging storm water has violated or is violating this chapter or a permit or order issued hereunder, the city engineer or zoning administrator may serve upon such person a notice of the violation. The city engineer or zoning administrator notice of violation requires the owner/builder/bond insurer to comply with all issues that are stated on the notice of violation. If the listed violations are not corrected at the time of the re-inspection, an additional inspection will be scheduled within five (5) business days, at which time a stop work order may be issued. If a stop work order has been issued, the owner/builder has five (5) days to comply with the notice of violation issues before the city will take all action necessary to insure compliance, including, but not limited to, forfeiting any relevant bond and/or enforcing penalties.

A copy of the notice of violation form is available at Ridgetop City Hall.

(2) Stop work order. When the city engineer or zoning administrator finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the city engineer or zoning administrator may issue a stop work order to cease and desist all such work and direct those persons in noncompliance to:

(a) Comply forthwith; or

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

A copy of the stop work order form is available at Ridgetop City Hall.

(3) Revocation of permit. The city engineer or zoning administrator may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked. (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-208. Penalties.** The city may institute appropriate actions or proceedings at law or equity for the enforcement of this chapter. Any of the following penalties shall be available to the city in response to violations of this chapter.

(1) Violations. Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses

to comply with any lawful communication or notice to abate or take corrective action by the city engineer or zoning administrator shall be guilty of a civil offense.

(2) Measuring civil penalties. In assessing a civil penalty, the city engineer or zoning administrator may consider:

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

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

The maximum civil penalties will be determined by the type of offense. This indicates the maximum that may be imposed for a first offense and does not reflect the increases described above for repeat offenses.

(a) Development without permit. Maximum five thousand dollars (\$5,000) - To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this chapter without all required permits, certificates, or other forms of authorization as set forth in this chapter.

(b) Development inconsistent with permit. Maximum five thousand dollars (\$5,000.00) - To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

(c) Violation by act or omission. Maximum five thousand dollars (\$5,000.00) - To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the city or its agent departments upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

(d) **Illicit discharge.** Maximum five thousand dollars (\$5,000.00) - Any person, company or facility who is found to have improperly disposed of any substance that is not defined in 14-206(1)(e) or causes the city to be in noncompliance with any applicable environmental permit.

(e) **Household products.** Maximum five hundred dollars (\$500.00) - Any person, company or facility who is found to have improperly disposed of any substance not included in § 14-206(1)(e) that was purchased over the counter for household use, in quantities considered normal for household purposes, which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit.

(4) **Recovery of costs and damages.** In addition to the civil penalties in § 14-208(3), the city may recover:

(a) All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation;

(b) Costs of the city's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this chapter;

(c) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation; and,

(d) Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

In the event there are penalties assessed by the state against the city caused by any person, company or facility, said person, company or facility shall be assessed the equivalent amount of civil penalty. This shall include, but is not limited to, penalties for improper disposal or illegal dumping, or illegal connection into the municipal separate storm sewer system.

(5) **Emergencies.** In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, or the environment or a violation of a NPDES permit, the city may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this chapter. (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-209. Appeals.** Pursuant to Tennessee Code Annotated, § 68-221-1106(d), any person aggrieved by the imposition of a civil penalty or

damage assessment as provided by this chapter may appeal said penalty or damage assessment to the municipality's governing body.

(1) Appeals to be in writing. The appeal shall be in writing and filed with the municipal recorder or clerk within thirty (30) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

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

(3) Appealing decisions of the municipality's governing body. Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8. (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**14-210. Severability.** Should any article, section, subsection, clause or provision of this chapter be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section clause and provision being declared severable. (as added by Ord. #2017-105, Feb. 2017 *Ch4\_5-21-19*)

**CHAPTERS 3-9**

**DELETED**

(these chapters were deleted by Ord. #2007-109, Nov. 2007)

## CHAPTER 10

### MUNICIPAL FLOODPLAIN ZONING ORDINANCE

#### SECTION

- 14-1001. Statutory authorization, findings of fact, and objectives.
- 14-1002. Definitions.
- 14-1003. General provisions.
- 14-1004. Administration.
- 14-1005. Provisions for flood hazard reduction.
- 14-1006. Variance procedures.
- 14-1007. Legal status provisions.

**14-1001. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in §§ 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Ridgetop, Tennessee, Mayor and the Ridgetop Board of Alderman, do ordain as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) To minimize prolonged business interruptions;

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

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

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

(h) To maintain eligibility for participation in the NFIP. (as added by Ord. #2021-103, March 2021 *Ch5\_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5\_12-10-23*)

**14-1002. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) "Building" see "Structure."

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

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

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

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

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

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

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

(17) "Existing structures" see "Existing construction."

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

(19) "Flood" or "Flooding"

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland or tidal waters.

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

(iii) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(ii) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some

similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(i) of this definition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Directly by the Secretary of the Interior.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(53) "Regulatory flood protection elevation" means the "base flood elevation" plus the "freeboard." In "special flood hazard areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot (1'). In "special flood hazard areas" where no BFE has been established, this elevation shall be at least three feet (3') above the highest adjacent grade.

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

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

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

(57) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of

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

(58) "State coordinating agency" the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the state.

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

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

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

The term does not however include either: (a) Any project for improvement of a structure to correct existing violations of state or local health sanitary or safety code specifications which have been 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; (b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

(65) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (as added by Ord. #2021-103, March 2021 *Ch5\_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5\_12-19-23*)

**14-1003. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Ridgetop, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the Ridgetop, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 25, 2022 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47147C0415C dated April 16, 2008, 47037C0050H dated April 5, 2017, and 47147C0395D dated February 26, 2021 along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

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

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

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

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

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Ridgetop, Tennessee from taking such other lawful actions to prevent or remedy any violation. (as added by Ord. #2021-103, March 2021 *Ch5\_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5\_12-19-23*)

**14-1004. Administration.** (1) Designation of ordinance administrator. The building inspector is hereby appointed as the administrator to implement the provisions of this ordinance.

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

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

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

(iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed

non-residential floodproofed building will meet the floodproofing criteria in § 14-1005(1) and (2).

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

(v) In order to determine if improvements or damage meet the substantial improvement or substantial damage criteria, the applicant shall provide to the floodplain administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
- Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.
- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

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

Within approximate A Zones, where base flood elevation data is not available, the elevation of the lowest floor shall be determined as the

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

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

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

(c) Finished construction stage. A final finished construction elevation certificate is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator will keep the certificate on file in perpetuity.

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

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

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

(c) Notify adjacent communities and the Tennessee Emergency Management Agency, state NFIP office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

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

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

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-1004(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-1004(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-1004(2).

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

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

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

(l) A final finished construction elevation certificate (FEMA form 086-0-33) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a certificate of compliance/occupancy. The finished construction elevation certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The

photographs must be taken with views confirming the building description and diagram number provided in subsection (1). To the extent possible these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least two (2) additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least three inches by three inches (3" x 3"). Digital photographs are acceptable. (as added by Ord. #2021-103, March 2021 *Ch5\_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5\_12-19-23*)

**14-1005. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

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

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

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

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

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

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

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

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

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

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

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-1005(2);

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

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

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-1005(1), are required:

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

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1002). Should solid foundation perimeter walls be used to elevate a structure openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building,

shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-1002).

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

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the administrator as set forth in § 14-1004(2).

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

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

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

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

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

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

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-1005(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on: (a) individual lots or parcels, (b) in expansions to existing manufactured home parks or subdivisions, or (c) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

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

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

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-1002).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-1005(1) and (2).

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

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

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

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

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

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new

developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

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

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

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

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See § 14-1005(5)).

(3) Standards for special flood hazard areas with established, base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-1003(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

(b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) ONLY if § 14-1005(3), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-1005(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-1003(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

(b) A community may permit encroachments within within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;

(c) ONLY if § 14-1005(4), provisions (a) through (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-1003(2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-1003(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-1005(1) and (2).

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

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or flood proofed to a level of at least three feet (3') above the highest adjacent

grade (as defined in § 14-1002). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1004(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-1005(2).

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

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1005(1) and (2). Within approximate A Zones, require that those subsections of § 14-1005(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (Zone AO). Located within the special flood hazard areas established in § 14-1003(2), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to § 14-1005(1) and (2), all new construction and substantial improvements shall meet the following requirements:

(a) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one foot (1') above the highest adjacent grade; or at least three feet (3') above the highest adjacent grade, if no depth number is specified.

(b) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in § 14-1005(6) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with § 14-1004(2)(a)(iii) and § 14-1005(2)(b),

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

(7) Standards for areas of shallow flooding (Zone AH). Located within the special flood hazard areas established in § 14-1003(2), are areas designated as shallow flooding areas. These areas are subject to inundation by one percent (1%) annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet (1' to 3'). Base flood elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of § 14-1005(1) and (2), all new construction and substantial improvements shall meet the following requirements:

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

(8) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-1003(2), are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-1004 and 14-1005 shall apply.

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

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-1004 and 14-1005.

(c) ONLY if § 14-1005(1)(a) and (b) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of § 14-1005(1) and (2). (as added by Ord. #2021-103, March 2021 *Ch5\_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5\_12-19-23*)

**14-1006. Variance procedures.** (1) Municipal board of zoning appeals.

(a) Authority. The City of Ridgeway, Tennessee Municipal Board

of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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

(c) Appeals: how taken. An appeal to the municipal board of zoning appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the administrator based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the municipal board of zoning appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars (\$100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the municipal board of zoning appeals all papers constituting the record upon which the appeal action was taken. The municipal board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be less than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

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

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

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

(A) The City of Ridgetop, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this ordinance.

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

necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-1006(1).

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

(c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance (as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (as added by Ord. #2021-23, March 2021 *Ch5\_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5\_12-19-23*)

**14-1007. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Ridgetop, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional. (as added by Ord. #2021-23, March 2021 *Ch5\_12-19-23*, and replaced by Ord. #2021-110, Jan. 2022 *Ch5\_12-19-23*)