

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

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

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 nine (9) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other seven (7) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. The terms of the seven (7) members appointed by the mayor shall be for three (3) years each. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor. (Ord. #04/05-11, Oct. 2004)

14-102. Organization, powers, duties, etc. The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of *Tennessee Code Annotated*, title 13. (1995 Code, § 14-102)

14-103. Application fees.¹ Fees shall be charged to individuals or entities appearing before the Dandridge Planning Commission for the following requests:

- (1) Site plan review;
- (2) Rezoning;
- (3) Subdivision lots;
- (4) Annexations; and
- (5) Board of zoning appeals.

¹Application fees and amendments thereto are available in the office of the recorder.

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-201. Land use to be governed by zoning ordinance. Land use within the Town of Dandridge shall be governed by ordinance titled "Zoning Ordinance, Dandridge, Tennessee," and any amendments thereto.¹

¹Ordinance No. 03/04-05, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

CHAPTER 3**FLOOD DAMAGE PREVENTION ORDINANCE****SECTION**

14-301. Flood damage control to be governed by flood damage prevention ordinance.

14-301. Flood damage control to be governed by flood damage prevention ordinance. Regulations governing flood damage control within the Town of Dandridge shall be governed by Ordinance #08/09-13, titled "Municipal Flood Damage Prevention Ordinance" and any amendments thereto.¹

¹Ordinance #08/09-13, and any amendments thereto, are published as separate documents and are of record in the office of the recorder.

CHAPTER 4

TOWN OF DANDRIDGE HISTORICAL PLANNING COMMISSION¹

SECTION

- 14-401. Statement of purpose.
- 14-402. Historic planning commission: composition and terms.
- 14-403. Powers of the commission.
- 14-404. Rules of order (by-laws).
- 14-405. Designation of landmarks, landmark sites, and historic districts.
- 14-406. Certificates of appropriateness.
- 14-407. Criteria for issuance of certificates of appropriateness.
- 14-408. Procedures for issuance of certificates of appropriateness.
- 14-409. Appeals.
- 14-410. Minimum maintenance requirements.
- 14-411. Public safety exclusion.
- 14-412. Enforcement and penalties.
- 14-413. Appropriations.
- 14-414. Disqualification of members by conflict of interest.

14-401. Statement of purpose. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting.

More specifically, this historic preservation chapter is designed to achieve the following goals:

- (1) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the town's historical, cultural, social, economic, political, archaeological, and architectural identity;
- (2) Insure the harmonious, orderly, and efficient growth and development of the town;
- (3) Strengthen civic pride and cultural stability through neighborhood conservation;
- (4) Stabilize the economy of the town through the continued use, preservation, and revitalization of its resources;
- (5) Promote the use of resources for the education, pleasure, and welfare of the people of the Town of Dandridge.
- (6) Provide a review process for the preservation and development of the town's resources. (1995 Code, § 14-401)

¹Fees shall be charged to individuals or entities appearing before the Dandridge Historical Planning Commission. These are of record in the office of the town recorder.

14-402. Historic planning commission: composition and terms.

The town is authorized to establish an historic planning commission to preserve, promote, and develop the town's historical resources and to advise the town on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

The commission shall consist of seven (7) members and which shall consist of a representative of a local patriotic or historical organization and an architect or engineer, if available; a person who is a member of the local planning commission at the time of his/her appointment; and the remainder shall be from the community in general.

All members of the commission are appointed by the mayor and shall serve for designated terms and may be re-appointed. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation, to the extent available in the community. The town should appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The mayor shall document a "good faith effort" to locate professionals to serve on the commission before appointing lay members. The commission shall also seek the advice, as needed, of professionals not serving on the board. (1995 Code, § 14-402)

14-403. Powers of the commission. (1) The commission shall conduct or cause to be conducted a continuing study and survey of resources within the Town of Dandridge.

(2) The commission shall recommend to the town the adoption of ordinances designating preservation districts, landmarks, and landmark sites.

(3) The commission may recommend that the town recognize sub-districts within any preservation district, in order that the commission may adopt specific guidelines for the regulation of properties within such a sub-district.

(4) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource within the preservation districts, landmarks, and landmark sites.

(5) The commission shall grant or deny certificates of appropriateness, and may grant certificates of appropriateness contingent upon the acceptance by the applicant of specified conditions.

(6) The commission does not have jurisdiction over interior arrangements of buildings and structures, except where such change will affect the exterior of the building and structures.

(7) The commission, subject to the requirements of the town, is authorized to apply for, receive, hold, and spend funds from private and public

sources, in addition to appropriateness made by the town for the purpose of carrying out the provisions of this chapter.

(8) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation.

(9) To authorize the town's building inspector to perform such duties and inspection and grant approvals for specific projects that the commission designates. (1995 Code, § 14-403, modified)

14-404. Rules of order (by-laws). To fulfill the purposes of this chapter and carry out the provisions contained therein:

(1) The commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.

(2) The commission shall govern the conduct of its business pursuant to *Roberts Rules of Order Newly Revised*, 11th edition.

(3) The commission shall develop design review guidelines for determining appropriateness as generally set forth in § 14-407 of this chapter. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards for Rehabilitation (36 CFR part 67).

(4) The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.

(5) The commission shall establish its own regular meeting time. The chairman or any two (2) members may call a special meeting to consider an urgent matter. (1995 Code, § 14-404, modified)

14-405. Designation of landmarks, landmark sites, and historic districts. By ordinance, the town may establish landmarks, landmark sites, and preservation districts within the area of its jurisdiction. Such landmarks, landmark sites, or preservation districts shall be designated following the criteria as specified in § 14-401.

(1) The commission shall work toward providing complete documentation for previously designated preservation districts which would include:

(a) A survey of all property within the boundary of the district, with photographs of each building.

(b) A survey which would be in a format consistent with the statewide inventory format of the Tennessee Historical Commission.

(2) The commission shall advise the town on the designation of preservation districts, landmarks, or landmark sites and submit or cause to be prepared ordinances to make such designation.

(3) A resource or resources may be nominated for designation upon motion of three (3) members of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the town within six (6) months in the case of a preservation district and two months in the case of either a landmark or landmark site. After six (6) months for a district and two (2) months for a landmark or landmark site if no action has been taken by the commission the nomination proceeds to the planning commission for their recommendation to the board of mayor and aldermen.

(4) The commission shall hold a public hearing on the proposed preservation district, landmark, or landmark site. If the commission votes to recommend to the town the designation of a proposed resource, it shall promptly forward to the planning commission its recommendations, in writing, together with an accompanying file.

(5) The commission's recommendations to the town for designation of a preservation district shall be accompanied by:

(a) A map of the preservation district that clearly delineates the boundaries.

(b) A boundary description and justification.

(c) A written statement of significance for the proposed preservation district.

(6) The town board of mayor and aldermen shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published in the newspaper published in the town. If a newspaper is not published in the town, then the notice shall be published in a paper published in the county.

(7) Within sixty (60) calendar days after the public hearing held in connection herewith, the town shall adopt the ordinance with such modifications as may be necessary.

(8) Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and preservation districts. An updated list and map shall be maintained by such agencies and made available to the public. (1995 Code, § 14-405, modified)

14-406. Certificates of appropriateness. No exterior feature of any resource shall be altered, added to, relocated, or demolished until after an

application for a certificate of appropriateness of such work has been approved by the commission. Likewise, no construction which affects a resource shall be undertaken without a certificate of appropriateness. Therefore:

(1) The commission shall serve as a review body with the power to approve or deny applications for certificates of appropriateness.

(2) In approving and denying applications for certificates of appropriateness, the commission shall accomplish the purposes of this chapter.

(3) A certificate of appropriateness shall not be required for work deemed by the commission to be ordinary maintenance or repair of any resource.

(4) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons therefor.

(5) Expiration of a certificate of appropriateness: A certificate of appropriateness shall expire twelve (12) months after its issuance except that a certificate shall expire if work has not begun within six (6) months of its issuance. When a certificate has expired, an applicant may seek a new certificate.

(6) Resubmitting of applications: Twelve (12) months after denial of an application for a certificate of appropriateness, the application may be resubmitted without change. A changed application may be resubmitted at any time. (1995 Code, § 14-406)

14-407. Criteria for issuance of certificates of appropriateness.

The commission shall use the Town of Dandridge Historic Guidelines, which have been previously adopted and are hereby incorporated herein, as the basis for design guidelines created for each district or landmark and the following criteria in granting or denying certificates of appropriateness:

(1) General factors. (a) Architectural design of existing building, structure, or appurtenance and proposed alteration;

(b) Historical significance of the resource;

(c) Materials composing the resource;

(d) Size of the resource;

(e) The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a preservation district, upon the district as a whole and its architectural and historical character and integrity.

(2) New construction. (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials, the textures, the patterns, the trims, and the design of the roof.

(b) Existing rhythm created by existing building masses and spaces between them shall be preserved.

(c) The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.

(d) No specific architectural style shall be required.

(3) Exterior alteration. (a) All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in § 14-408(1) and (2), and the design, over time, of a building, structure, object, or landscape feature shall be considered in applying these standards.

(b) Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.

(4) In considering an application for the demolition of a landmark or a resource within a preservation district, the following shall be considered:

(a) The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.

(b) The commission shall consider the importance or contribution of the resource to the architectural character of the district.

(c) The commission shall consider the importance or contribution of the resource to neighboring property values.

(d) The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.

(e) Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, if any, as set forth in § 14-408(2) prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.

(f) Applicants that have received a recommendation for demolition shall be required to receive such demolition permit as well as certificate of appropriateness for the new construction. Permits for demolition and construction shall not be issued simultaneously.

(g) When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate town boards, commissions, departments, and agencies. (1995 Code, § 14-407)

14-408. Procedures for issuance of certificates of appropriateness. Anyone desiring to take action requiring a certificate of appropriateness concerning a resource for which a permit, variance, or other authorization from the town building inspector is also required, shall make application therefore in the form and manner required by the applicable code section or ordinance. Any such application shall also be considered an application for a certificate of appropriateness and shall include such additional information as may be required by the commission. After receipt of any such application, the town building inspector shall be assured that the application is proper and complete. No building permit shall be issued by the town building inspector which affects a resource without a certificate of appropriateness. In the event that a building permit need not be obtained for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness is still required before such work can be undertaken. Such application shall be reviewed in accordance with the following procedure:

(1) When any such application is filed, the town building inspector shall immediately notify the commission chairman, vice-chairman, or staff of the application having been filed.

(2) The chairman or vice-chairman shall set the agenda for the regular meeting date or set a time and date, which shall be not later than thirty (30) days after the filing of the application for a hearing by the commission, and the town building inspector shall be so informed.

(3) The applicant shall have the right to submit a preliminary plan to the commission for the purpose of making any changes or adjustments which might be more consistent with the commission's standards.

(4) Not later than eight (8) days before the date set for the said hearing, the town official shall mail notice thereof to the applicant at the address in the application and to all members of the commission.

(5) Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the town at least eight (8) days before such hearing and by posting such notice.

(6) At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.

(7) The commission shall have the right to conditional approval.

(8) Either at the meeting or within thirty-one (31) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in § 14-408 hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the town building inspector.

(9) The issuance of a certificate of appropriateness shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the town concerning zoning, construction, repair, or demolition. (1995 Code, § 14-408, modified)

14-409. Appeals. The applicant who desires to appeal a decision by the commission shall file an appeal with the circuit court (after the determination of the issue by the commission) in the manner provided by law. (1995 Code, § 14-409)

14-410. Minimum maintenance requirements. In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the town's minimum residential code and the town's building code. (1995 Code, § 14-410)

14-411. Public safety exclusion. None of the provisions of this chapter shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the town's building inspector or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

(1) The town building inspector concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.

(2) The preservation commission, if in doubt after receiving such notification from the town building inspector, shall be allowed time to seek outside professional expertise from the Tennessee Historical Commission and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The commission may indicate in writing by letter to the town building inspector that it will require a time period of up to thirty (30) days for this purpose, and, upon such notification to the town building inspector, this section shall be suspended until the expiration of such a delay period. (1995 Code, § 14-411, modified)

14-412. Enforcement and penalties. The historic planning commission shall be enforced by the town building inspector, who shall have the

right to issue a citation to enforce the provisions set forth in this chapter and the commission's guidelines.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. (1995 Code, § 14-412)

14-413. Appropriations. The town is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties. (1995 Code, § 14-413)

14-414. Disqualification of members by conflict of interest. No member shall be qualified to vote on a project they own an interest in or in which they have been employed or hired to rehabilitate or refurbish. (1995 Code, § 14-414)

CHAPTER 5

GRADING, SOIL EROSION AND SEDIMENTATION CONTROL

SECTION

- 14-501. Purpose.
- 14-502. Rules applying to chapter.
- 14-503. Definitions.
- 14-504. Existing eroding areas.
- 14-505. Grading permit required.
- 14-506. Exceptions.
- 14-507. Application and plan review.
- 14-508. Inspection and enforcement.
- 14-509. Bond requirement fees.
- 14-510. General criteria.
- 14-511. Adjustments.
- 14-512. Final inspection.
- 14-513. Appeals.
- 14-514. Violations and penalty.

14-501. Purpose. In the past, development within the town's corporate limits has caused the displacement of large quantities of earth. Significant problems resulting from such development are soil erosion and sedimentation which cause contamination of water supplies and water resources and are a major source of pollution. A build-up of sediment destroys valuable resources, clogs watercourses and causes flooding which results in substantial damage to public and private lands. The result is a serious threat to the health, safety, and general welfare of the community.

Therefore, the purpose of this chapter is to substantially reduce erosion and sediment damage within the town's corporate limits and is designed to safeguard the health, safety, and general welfare of the citizens; to preserve the value of land throughout the town; to establish reasonable and accepted standards of design and procedures for development which prevent sediment damage; to prevent the pollution of streams, ponds, and other water courses by sediment; to minimize property damage by means of flooding and to preserve the natural beauty and aesthetics of the community. (1995 Code, § 14-501)

14-502. Rules applying to chapter. For the purpose of this chapter, certain rules of construction shall apply herein as follows:

- (1) Words used in the present tense shall include the future tense and the singular includes the plural, unless otherwise indicated in the text.
- (2) The term "shall" is always mandatory and the words "may" and "should" are discretionary in nature.

(3) Except as herein provided, all words used in this chapter shall have their common dictionary definition. (1995 Code, § 14-502)

14-503. Definitions. (1) "Building permit." A general permit issued authorizing any owner, authorized agent, or contractor to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to perform any or to cause any such work to be done.

(2) "Cut." Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

(3) "Developer." The owner or person, firm, partnership, or corporation authorized by the owner to carry out the development of the land.

(4) "Development." The process of grading, clearing, filling, quarrying, construction, or reconstruction to improved or unimproved real estate or other similar activities when not excluded by exemptions from this chapter.

(5) "Development standards board of appeals." The body which has been delegated the authority by the Board of Mayor and Aldermen of the Town of Dandridge to hear appeals concerning decisions made by the town administrator or their designee as to the interpretation of the meaning of this code.

(6) "Erosion." The wearing away of land by action of wind, water, or gravity.

(7) "Erosion and sediment control plan." The plan required before a grading permit may be issued. The plan may be included as part of a preliminary plan required under another town ordinance or a separate plan following the specifications set out in this chapter.

(8) "Excavation." See "cut."

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

(10) "Fill." Portion of land surface or area to which soil, rock or other approved materials have been or will be added; height above original ground surface after the material has been or will be added.

(11) "Final grade." The final slope or elevation of the ground surface after cutting or filling.

(12) "Final plan." The approved erosion and sediment control plan. This plan may differ from the erosion and sediment control plan if adjustments or amendments are required by the town.

(13) "Grading." Any operation or occurrence by which the existing site elevations are changed by cutting, filling, borrowing, stock piling, or where any ground cover, natural or manmade, is removed, or any buildings or other structures are removed or any water course or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. "Grading" shall be synonymous with "land disturbing activity."

(14) "Grading permit." A permit issued to authorize excavation and/or fill to be performed under the guidelines of this chapter.

(15) "Inspector." The building inspector or their designee who issues grading permits and carries out inspections of the permitted activities.

(16) "Mulching." The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.

(17) "Owner." The legal owner of the property as recorded in the Jefferson County Register of Deeds office at the time of application of the grading permit. The person ultimately responsible for adhering to the provisions of this chapter.

(18) "Sediment." Rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

(19) "Sediment basin, trap, barrier, or perimeter dike." A barrier or dam built across a waterway or watercourse, or at other locations to retain sediment.

(20) "Soil stabilization." Measures which protect soil from erosion.

(21) "Stripping." Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

(22) "Use." Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or tract of land. (1995 Code, § 14-503)

14-504. Existing eroding areas. Upon written notification from the building inspector or their designee, the owner of a parcel of land which exhibits unstable or eroding soil conditions shall correct the problem within a thirty (30) calendar day period. The period may be extended upon request if conditions warrant. Minimum correction measures shall include stabilizing slopes and re-vegetating all exposed soil surfaces. Before commencing corrective measures, the owner shall consult with the building inspector or their designee to determine an acceptable method of correction and the corrective measures shall be reduced to writing, signed by both the owner and building inspector. (1995 Code, § 14-504)

14-505. Grading permit required. Except as permitted in § 14-506, no individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, county, town, or other political subdivision, cooperative, or any other legal entity shall engage in any land-disturbing activity within the corporate limits of the town which may result in soil erosion from water or wind and the movement of sediments, including, but not limited to, clearing, grading,

excavation, transporting, and filling unless a grading permit has first been obtained from the office of the building inspector or their designee.

All development activities which require right-of-way cuts or excavation within the development site and shown on a site plan shall be subject to all additional applicable fees. Grading activities which involve no construction or right-of-way cuts shall be subject to the grading permit fee schedule only.

All exceptions to the chapter, which are outlined in § 14-506, and which involve land disturbing activities will be required to use and maintain erosion control techniques and follow those requirements outlined in § 14-510. If unstable or eroding soil conditions exist during the construction of those structures exempted in § 14-506, then § 14-504 shall prevail. These general provisions of controlling erosion shall be adhered to prior to the issuance of a certificate of occupancy.

The fees for obtaining a grading permit shall be as follows:

Residential grading	\$10.00
Commercial grading	\$25.00 for first acre \$10.00 for each additional acre

If over five (5) acres, approval must be obtained from the Tennessee Department of Environment and conservation. (1995 Code, § 14-505, as amended by Ord. #02/03-07, Oct. 2002)

14-506. Exceptions. Permits shall not be required for the following land disturbing activities:

(1) Home gardens, home landscaping, or lawn preparations on existing lots or parcels unless the possibility for erosion or alteration of drainage is such to necessitate a grading permit.

(2) Individual utility service connections.

(3) Construction, installation, or maintenance of electric, telephone, and cable television lines and poles.

(4) Installation, maintenance and repair of any underground public utility line when such activity occurs on an existing right-of-way, and a cut or excavation permit has been obtained.

(5) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, if following a plan approved by local soil conservation service.

(6) Emergency work to protect life or property. Upon completion of emergency work, the disturbed area shall be shaped and stabilized in accordance with this chapter, if deemed necessary.

(7) Installation or maintenance of approved sub-surface sewage disposal fields. (1995 Code, § 14-506)

14-507. Application and plan review. No grading permit shall be issued until an erosion and sediment control plan has been approved by the office of the building inspector or their designee. The erosion and sediment control plan shall comply, at a minimum, with the requirements put forth in § 14-510 of this chapter. The building inspector or their designee may require additional information if deemed necessary. The complexity of the plan should be commensurate with the size of the project, severity of site conditions and potential for off-site damage. Each plan shall contain the name, address, and telephone number of the owner or developer of the property to be graded and a brief project description. In addition, a time schedule for completion and periodic maintenance after completion, calculations when needed, predevelopment and post development contours, details of erosion control practices, clearing and grading limits, daily clean-up and site control practices, and any other information needed to accurately depict solutions to development situations may be required.

The building inspector or their designee may require that the erosion and sediment control plan be developed by a qualified engineer, landscape architect, hydrologist, or other qualified personnel.

The building inspector or their designee shall review the plans with the necessary staff and make a determination with respect to the sufficiency of the erosion and sediment control plan within twenty (20) working days from submittal of the plan. No notification to the developer or owner within the ten (10) working days shall be deemed approval of the plan and the applicant will be eligible for a grading permit. If the plan is determined insufficient, the building inspector or their designee shall inform the developer or owner of deficiencies with the plan. After corrections and additions to the erosion and sediment control plan, the plan may be resubmitted to the building inspector for review. (1995 Code, § 14-507)

14-508. Inspection and enforcement. The requirements of this chapter shall be enforced by the building inspector or their designee who shall inspect all the work, grading or construction involved. If the designee finds any person, firm, or equity engaged in land disturbing activities without having obtained a required grading permit, he shall issue a stop order. In addition, if anyone is found conducting or to have conducted land disturbing activities in violation of this chapter or any approved plan the designee may require compliance or refuse to approve further work and/or issue a stop order pending a hearing before the development standards board of appeals.

If the building inspector or their designee determines that significant erosion or related problems are occurring on a graded site despite approved protective practices, he shall require the permit holder to take additional corrective actions to protect the adversely affected area. The specifications or the additional measures shall be part of the amended erosion and sediment control plan.

If it is determined that the permit holder has failed to comply with the approved plan, the building inspector or their designee shall immediately serve upon the owner, developer, or contractor, a correction notice setting forth the measures needed to come into compliance and specifying a time for such compliance. Failure to comply within the time specified shall subject permittee to revocation of the permit, and he shall be deemed in violation of the chapter requirements and subject to the penalties provided therein, upon being issued an ordinance violation citation and a hearing before the Dandridge Town Judge. (1995 Code, § 14-508)

14-509. Bond requirement fees. Prior to the issuing of a permit, the developer or applicant may be required to provide a cash deposit, bond, certified check or other acceptable form of security for the amount of the work to be completed or a portion thereof pursuant to the approved development plan. The amount of the work to be secured by this cash deposit, bond, certified check or other form of security shall be determined and at the discretion of the building inspector. Within sixty (60) days of the completion and acceptance of all provisions of the approved plan, cash deposit or other legal arrangements, or unexpended or unobligated funds, thereof, shall be refunded or terminated.

The board of mayor and aldermen, at its discretion, may set fees for obtaining a grading permit. If a permit fee schedule is established it shall be done by ordinance. (1995 Code, § 14-509)

14-510. General criteria. The following general criteria are minimum requirements for controlling erosion and sedimentation from land-disturbing activities and should be satisfied in each approved erosion-sediment control plan. No permit issued using the general criteria is intended to restrict the use of other innovative practices or modifications to the specified practices if such practices are thoroughly described and detailed and approval given as part of or a supplement to the approved plan prior to installation.

(1) **Stabilization of disturbed areas and soil stockpiles.** Temporary soil stabilization must be applied to disturbed areas when and where deemed necessary for the purpose of good soil stabilization practices.

Applicable soil stabilization practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Soil stabilization measures should be selected to be appropriate for the time of year, site conditions, and estimated duration of use.

Soil stockpiles not stabilized by vegetation must be stabilized or protected with sediment trapping measures to prevent soil loss.

(2) **Establishment of permanent vegetation.** A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized. Permanent vegetation shall not be considered established until a ground cover is achieved which, in the opinion of the building inspector or their designee, is mature enough to control soil erosion satisfactorily and to survive

seasonal weather conditions. If it is determined by the building inspector or their designee that the vegetation will not withstand seasonal weather conditions, the release of unobligated monies of bonds shall be determined by the town's municipal planning commission.

(3) Protection of adjacent properties. Properties adjacent to the site of a land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of the land disturbance, by installing perimeter controls such as sediment barriers, filters, or dikes, or sediment basins, or by a combination of such measures.

Vegetated buffer strips may be used alone only where runoff in sheet flow is expected. Buffer strips should be at least twenty feet (20') in width. If at any time it is found that a vegetated buffer strip alone is ineffective in stopping sediment movement onto adjacent property, additional perimeter controls must be provided.

(4) Timing and stabilization of sediment trapping measures. Sediment basins and traps, perimeter dikes, sediment barriers, and other measures intended to trap sediment on-site must be constructed as a first step in grading and be made functional before upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched within fifteen (15) days of installations. These measures shall be maintained in good working order and shall remain in place until such time as the building inspector or their designee deems the area to be stabilized.

(5) Sediment basins. Stormwater runoff from drainage areas with five (5) areas or greater disturbed area must pass through a sediment basin or other suitable sediment trapping facility with equivalent or greater storage capacity. Sediment basins or traps for smaller disturbed areas may be required where deemed necessary. The sediment basin requirement may also be waived by the building inspector or their designee if site conditions do not warrant its construction.

(6) Cut and fill slopes. Cut and fill slopes must be designed and constructed in a manner which will minimize erosion. Consideration must be given to the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes which are found to be eroding excessively within one (1) year of construction must be provided with additional slope stabilizing measures until the problem is corrected. The following guidelines are provided to aid site planners and plan reviewers in developing an adequate design.

(a) Topsoil for the area should be stockpiled and then used for replacement on the graded area.

(b) Roughened soil surfaces are generally preferred to smooth surface on slopes.

(c) Diversions should be constructed at the top of long steep slopes which have significant drainage areas above the slope. Diversions or terraces may also be used to reduce slope length.

(d) Concentrated stormwater should not be allowed to flow down cut or fill slopes unless contained within an adequate temporary or permanent channel, flume, or slope drain structure.

(e) Wherever a slope face crosses a water seepage plane which endangers the stability of the slope, adequate drainage or other protection should be provided.

(7) Protection of storm sewer inlets. All storm sewer inlets which are operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

(8) Working in or crossing watercourses. Construction vehicles should be kept out of watercourses to the extent possible. Where in-channel work is necessary, precautions shall be taken to stabilize the work area during construction to minimize erosion. The channel (including bed and banks) shall always be restabilized immediately after in-channel work is completed.

Where a live (wet) watercourse must be crossed by construction vehicles regularly during construction, a temporary stream crossing shall be provided, the design of which shall be approved by the building inspector or their designee.

(9) Underground utility construction. The construction of underground utility lines shall be subject to the following criteria:

(a) No more than five hundred feet (500') of open trench will be allowed at one (1) time.

(b) Where consistent with safety and space considerations, excavated material is to be placed on the uphill side of trenches.

(c) Trench dewatering devices shall discharge in a manner which will not adversely affect flowing streams, drainage systems, or off-site property.

(10) Construction access routes. Wherever construction vehicles access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment (mud) by runoff or vehicle tracking onto the paved surface by clearing the area at the entrance of all vegetation, roots, and other objectionable material and placing a gravel layer at least six inches (6") thick for a minimum of fifty feet (50') from the edge of the hard surface public road. Where sediment is transported onto a public road surface, the roads shall be cleaned by the developer thoroughly at the end of each day or more often if deemed necessary. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment-controlled disposal area. Street washing shall be allowed only after sediment is removed in this manner.

(11) Disposition of temporary measures. All temporary erosion and sediment-control measures shall be disposed of within thirty (30) days after final

site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the building inspector or their designee. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.

(12) **Maintenance.** All temporary and permanent erosion and sediment-control practices shall be maintained and repaired as needed by property owners to assure continued performance of their intended function, as determined by the building inspector or their designee. (1995 Code, § 14-510)

14-511. Adjustments. The building inspector may waive or modify any of the general criteria which are deemed inappropriate or too restrictive for site conditions, by granting an adjustment. Adjustments may be granted in writing under the following conditions:

(1) At the time of plan submission, an applicant may request adjustments to become part of the approved erosion and sediment-control plan. The applicant must explain the reasons for requesting adjustments in writing. Specific adjustments which are allowed must be documented on the approved plan.

(2) During construction, the applicant may request adjustments to the approved plan in writing. A response, in writing, approving or disapproving such request, should be given within five (5) working days. Without a written approval, no adjustment shall be considered valid. (1995 Code, § 14-511)

14-512. Final inspection. Upon completion of the work specified in the final plan, the applicant shall request a final inspection and approval. Final inspection will occur within five (5) days. If upon final inspection, the building inspector or their designee should determine that the final plan has been complied with, he shall sign the appropriate blank on the grading permit, approving compliance with the plan. If he should determine that there has not been compliance, he shall so notify the applicant and state his reason for so deciding. The applicant may then correct any deficiencies and then request a final inspection and approval; or submit a performance bond with narrative stating when the unfinished work will be completed. (1995 Code, § 14-512)

14-513. Appeals. Appeals by the applicant of the decisions or the interpretation of the meaning of this code by the administrative official shall be made to the development standards board of appeals of the town. Any person aggrieved by a final decision of the board may seek review by a court of competent jurisdiction. (1995 Code, § 14-513)

14-514. Violations and penalty. Any person, firm, corporation, or agent violating or failing to comply with any provision or requirement of this code, or who shall or has engaged in any land-disturbing activity in violation of

a detailed plan or drawing submitted and approved under the provisions of this code, or who shall fail to obtain a permit and fully comply with the provisions of this code shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each separate offense, and each day's violation shall constitute a separate offense. (1995 Code, § 14-514)

CHAPTER 6**ANNEXATION****SECTION**

14-601. Classification of districts.

14-601. Classification of districts. All property annexed into the town's corporate limits shall be reviewed by the Dandridge Regional Planning Commission for appropriate zoning. The Dandridge Regional Planning Commission shall recommend a zoning district within the plan of services. The board of mayor and aldermen shall classify all newly annexed property with a specific zone within the plan of services for annexation. (Ord. #16/17-06, Oct. 2016)