FARRAGUT MUNICIPAL PLANNING COMMISSION

AGENDA

May 16, 2024

Farragut Community Center – Assembly Room

7:00 p.m.

For questions, please e-mail Mark Shipley at mshipley@townoffarragut.org, Bart Hose at bhose@townoffarragut.org, or Holley Marlowe at hmarlowe@townoffarragut.org

1. **Approval of agenda**

2. **Approval of minutes for the April 18, 2024 meeting**

3. **Request for approval of design plans for the Turkey Creek Greenway and improvements to abutting portions of Turkey Creek Road (Town of Farragut, Applicant)**

4. **Discussion and public hearing on approval of a new Stormwater Management Control Ordinance to replace Chapters 103 and 111 of the Farragut Code of Ordinances (Town of Farragut, Applicant)**

5. **Discussion and public hearing on a request to amend the Future Land Use Map for Parcels 070 and 072, Tax Map 142, between the Waverly Court Subdivision and Baldwin Park Subdivision, 341 Boring Road, from Open Space Cluster Residential to Very Low Density Residential, 12 Acres (Homestead Land Holdings, Applicant)**

6. **Discussion and public hearing on a request to amend the Zoning Map for Parcels 070 and 072, Tax Map 142, between the Waverly Court Subdivision and Baldwin Park Subdivision, 341 Boring Road, from R-1 and R-2 to R-3, 12 Acres (Homestead Land Holdings, Applicant)**

7. **Discussion and public hearing on amendments to sign related provisions associated with the Mixed-Use Town Center area (JA Fielden, Applicant)**

8. **Discussion on a request to amend the Farragut Zoning Map for Parcel 15402, Tax Map 130, west of the Cotton Eyed Joe's, from C-2 to OD-RE/E, 3.1 Acres (Cox Universal Group, Applicant)**

9. **Discussion on an amendment to the development concept plan for the commercial portion of the Kingston Pike Village/Farragut Junction Planned Commercial Development (PCD) project at the southwest intersection of Kingston Pike and S. Watt Road (Daniel Smith, Applicant)**

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, natural origin, gender, gender identity, sexual orientation, age, religion, disability or veteran status pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting

10. **Discussion on amendments to the Farragut Code of Ordinances, Chapter 22 - Article 5. Driveways and Other Access Ways, Section 22-147. Traffic Impact Study Requirements, to provide for additional considerations for pedestrians and bicyclists (Town of Farragut, Applicant)**

11. **Discussion of a draft Vision Plan for the Town Center portion of the Town (Town of Farragut, Applicant)**

12. **Approval of utilities**

13. **Citizen forum**

Public Comment Protocol

At the end of each business meeting, there will be time reserved for public comment under the Citizen Forum agenda item. If you are interested in speaking, please fill out a blue comment card and turn it in to the Planning Director. This time is set aside specifically for comments on items that are not on the Planning Commission regular agenda for the meeting. Each speaker will be given five (5) minutes to speak on his/her topic.

The Commission also seeks public comment on regular agenda items during the portion of the meeting devoted to discussion and consideration of the specific agenda item.

The Chairman may recognize individuals for public comment during both the regular agenda and Citizen Forum portions of the meeting based on the following guidelines.

1. The Chairman shall maintain and control the meeting to provide a professional and objective environment conducive to presentation and discussion of the agenda items;
2. Any Farragut resident interested in speaking should fill out a blue comment card stating which agenda item they would like to comment on and turn it in to the Planning Director;
3. Speakers shall come to the podium and identify themselves by name and street address;
4. Public comment shall be limited to five (5) minutes per individual. Time for public comment may be amended at the discretion of the Chairman; provided that when additional time is allowed, speakers with differing points of views are allowed the same amount of time if requested. Time is not transferable to other speakers;
5. Speakers should strive to avoid redundancy; different considerations than expressed by previous speakers on a subject are encouraged;
6. Comments that threaten violence or imminent physical harm toward any individual will not be tolerated.
7. Comments may support or oppose issues or measures;
8. Personal attacks on the character of individuals who hold different points of view that have no relationship to the merits of the matter or issue raised for discussion will not be tolerated.
9. An applicant, and/or their representative(s), for an item on the regular agenda shall be afforded the time necessary to present their request and respond to questions. The five (5) minute limitation shall

not apply. However, the Chairman may ask an applicant to stay on point in order to facilitate the efficiency of the meeting.

Each speaker will be asked if they can agree to abide by the Comment Protocol. If so, please be prepared to speak when your name is called.

MINUTES
FARRAGUT MUNICIPAL PLANNING COMMISSION

April 18, 2024

MEMBERS PRESENT
Scott Russ, Chairman
Ed St. Clair, Vice Chairman
Ron Williams, Mayor
Louise Povlin, Vice Mayor
Noah Myers
Jeff Devlin
Jon Greene
Ron Pinchok
Leo Davis, Youth Representative

MEMBERS ABSENT
Shannon Preston, Secretary

Staff Representative: Mark Shipley, Community Development Director
Allison Myers, Town Recorder
Bart Hose, Assistant Community Development Director
Holley Marlowe, Code Enforcement Officer

1. **Approval of agenda**
   The staff recommended approval of the agenda as submitted.

   A motion was made by Vice Mayor Povlin to follow the staff's recommendation. The motion was seconded by Mayor Williams and was approved unanimously.

2. **Approval of minutes – March 21, 2024**
   The staff recommended approval of the minutes as submitted.

   A motion was made by Vice Mayor Povlin to follow the staff's recommendation. The motion was seconded by Commissioner St. Clair and was approved unanimously.

3. **Request for approval for the installation of six inch Medium Density Polyethylene (MDPE) pipe along a section of the south side of Kingston Pike east of Little Turkey Creek Commons to and along a portion of the west side of Old Stage Road and two inch MDPE from Old Stage Road to Windham Hill Road and from Old Stage Road along a short section of the north side of Somersworth Drive just past the intersection with Gwinhurst Road (KUB, Applicant)**
   The staff reviewed this item and recommended approval subject to the following:

   1) Please obtain a right-of-way permit from the Town's Engineering Department, including erosion and traffic control measures and inspections, as needed.
   2) Please notify all affected property owners prior to the work being initiated.
   3) Please obtain an access permit from TDOT.

Cole Watson was present on behalf of KUB. A motion was made by Commissioner St. Clair to follow the staff's recommendation. The motion was seconded by Vice Mayor Povlin and was approved unanimously.

4. **Approval of FY 2025-2030 Capital Investment Plan (CIP)**
   Town Recorder, Allison Myers, presented the CIP and recommended approval to the Board of Mayor and Aldermen.

   A motion was made by Vice Mayor Povlin to follow the staff's recommendation. The motion was seconded by Mayor Williams and was approved unanimously.

5. **Discussion on a request to amend the Future Land Use Map for Parcels 070 and 072, Tax Map 142, between the Waverly Court Subdivision and Baldwin Park Subdivision, 341 Boring Road, from Open Space Cluster Residential to Very Low Density Residential, 12 Acres (Homestead Land Holdings, Applicant)**
   For discussion purposes only.

6. **Discussion on a request to amend the Zoning Map for Parcels 070 and 072, Tax Map 142, between the Waverly Court Subdivision and Baldwin Park Subdivision, 341 Boring Road, from R-1 and R-2 to R-3, 12 Acres (Homestead Land Holdings, Applicant)**
   For discussion purposes only.

7. **Discussion on amendments to the Sign Ordinance in association with the Mixed-Use Town Center area (JA Fielden, Applicant)**
   For discussion purposes only.

8. **Approval of utilities**
   None.

9. **Citizen forum**
   None.

The meeting was adjourned at 8:54 p.m.

_____
Shannon Preston, Secretary

MEETING DATE: May 16, 2024 **AGENDA ITEM #3**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

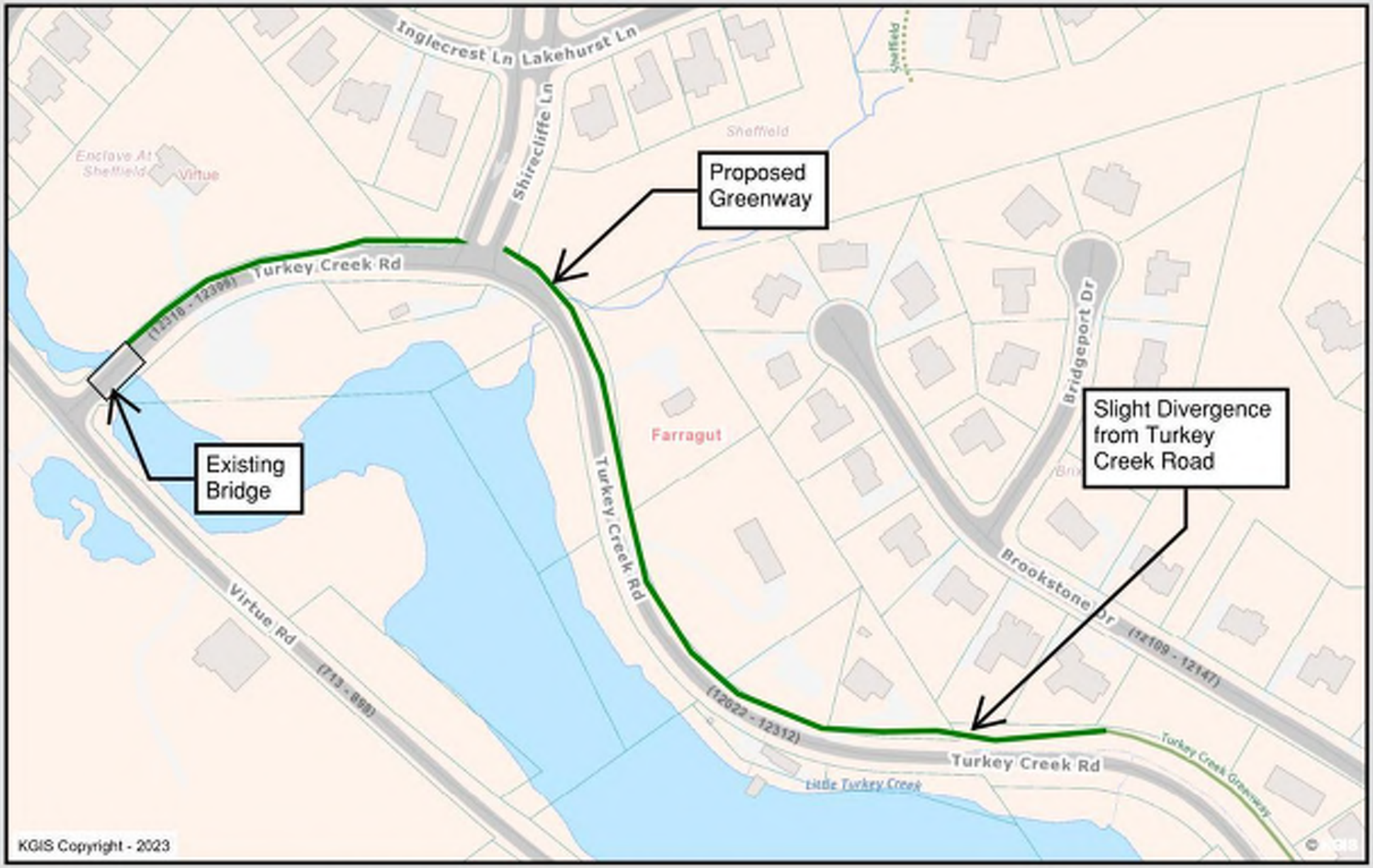
PREPARED BY: Darryl Smith, PE., Town Engineer

SUBJECT: Request for approval of design plans for the Turkey Creek Greenway and improvements to abutting portions of Turkey Creek Road (Town of Farragut, Applicant)

INTRODUCTION AND BACKGROUND: The purpose of this item is discussion and approval of preliminary plans for extension of the Turkey Creek Greenway from Brixworth Subdivision to Virtue Road, as well as improvements to the abutting portion of Turkey Creek Road.

DISCUSSION: During Strategic Planning Sessions, the Board of Mayor and Aldermen identified a Critical Success Factor of "Connecting our community with excellent parks, greenways, trails, sidewalks and recreation programs." This project will provide a critical greenway connection by extending the Turkey Creek Greenway from its current western terminus at the west side of the Brixworth Subdivision to the Sheffield Subdivision and Virtue Road (see first map). The project will include nominal widening of Turkey Creek Road (approximately three feet) and add curb and gutter along the north side of the roadway. We anticipate six properties will be affected. Upon completion, the Turkey Creek Greenway will be connected by sidewalk through Sheffield Subdivision to the Little Turkey Creek Greenway, which was completed earlier this year. Future improvements to Virtue Road will include a greenway connection from the bridge over Little Turkey Creek to the Grove at Boyd Station, which will be connected along Boyd Station Road to McFee Road (see second map)

RECOMMENDATION: The staff recommends approval of the preliminary plans as presented.



Turkey Creek Greenway Extension

Brixworth Subdivision to Virtue Road

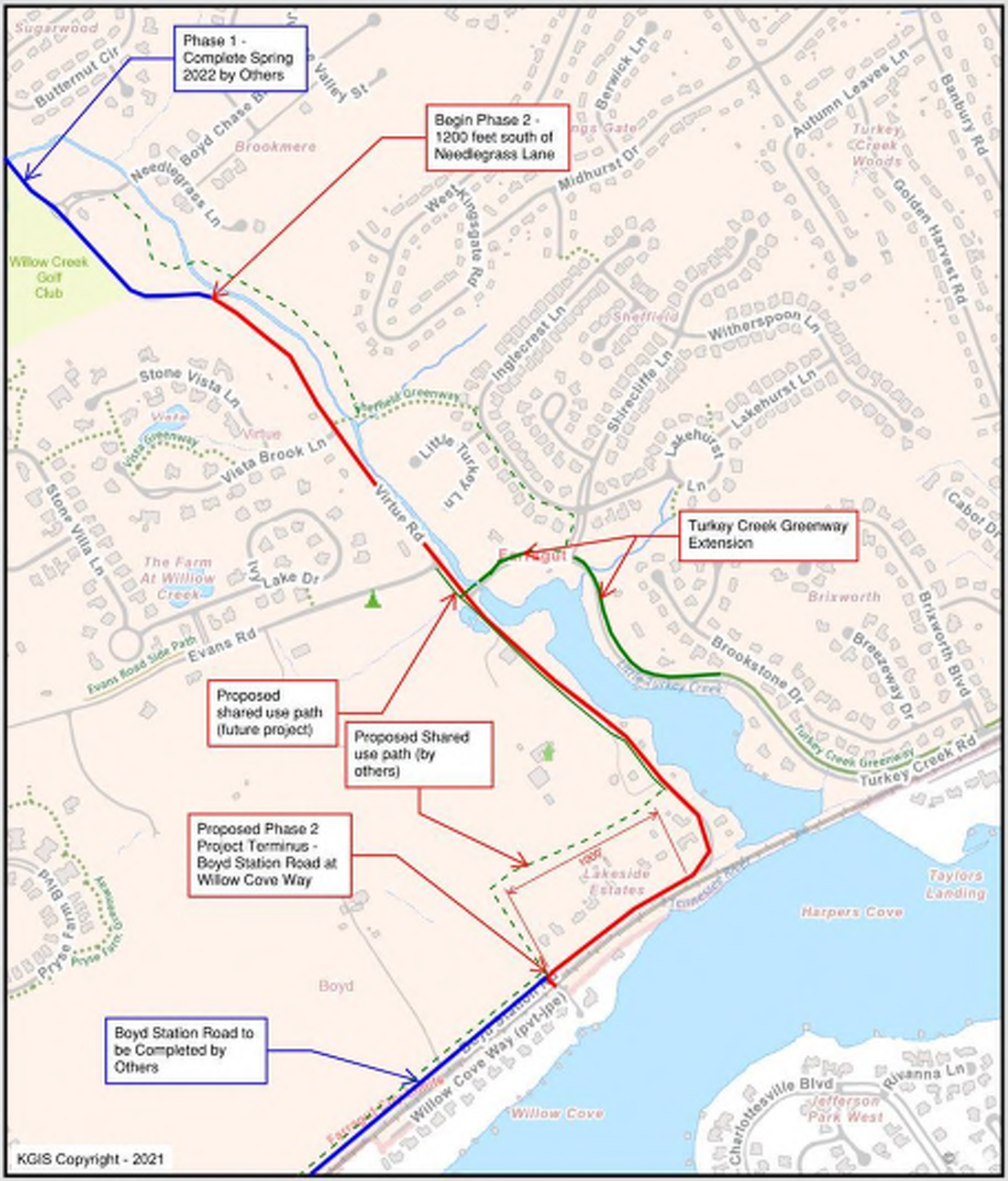
Knoxville - Knox County - KUB Geographic Information System

Printed: 1/4/2023 at 12:38:34 PM

0 100 200 400

ft

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS ,WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.



Virtue Road Phase 2

1200 Feet South of Needlegrass Lane to Willow Cove Way

Knoxville - Knox County - KUB Geographic Information System

Printed: 9/8/2021 at 5:21:04 PM

0 390 780 1,560

ft

KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS ,WITH ALL FAULTS, and assumes all responsibility for the use thereof, and futher covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

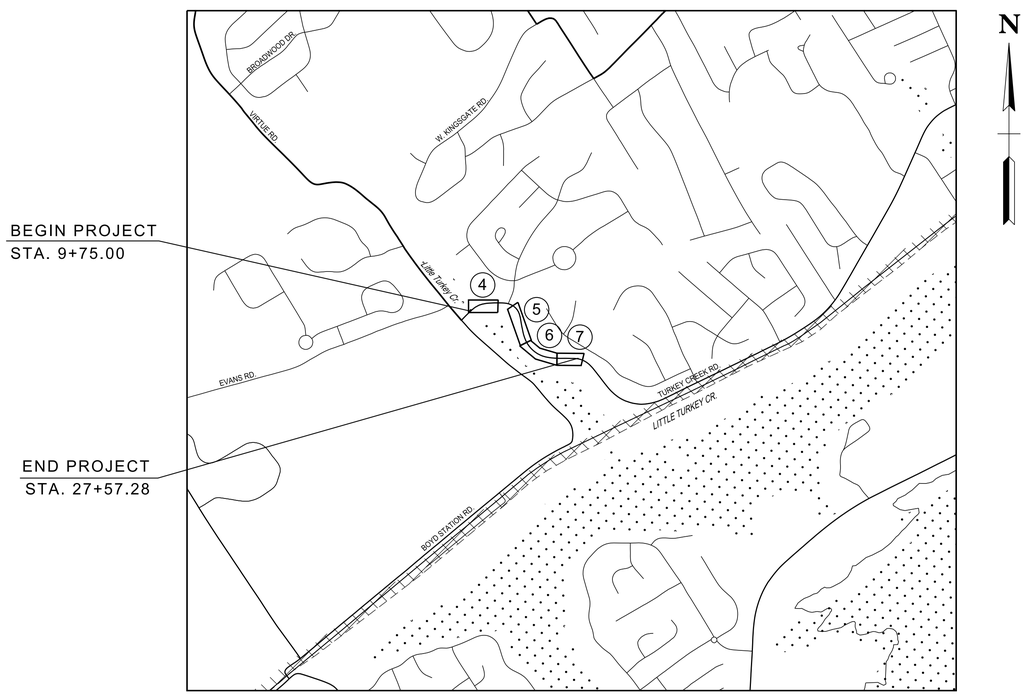
INDEX OF SHEETS

1	TITLE SHEET
2	TYPICAL SECTIONS
3 - 3C	PROPERTY MAPS
4 - 7	PLAN AND PROFILE
8	DRIVEWAY PROFILES
XS1 - XS7	CROSS SECTIONS

TOWN OF FARRAGUT
KNOX COUNTY, TENNESSEE

TURKEY CREEK ROAD GREENWAY EXTENSION

GRADING, DRAINAGE, BASE, AND PAVING



SCALE: 1"=1000'

PROJECT LENGTH = 1,782 LF (0.338 MI)

SPECIAL NOTES

PROPOSALS MAY BE REJECTED BY OWNER IF ANY OF THE UNIT PRICES CONTAINED THEREIN ARE OBVIOUSLY UNBALANCED, EITHER EXCESSIVE OR BELOW THE REASONABLE COST ANALYSIS VALUE.

THIS PROJECT TO BE CONSTRUCTED UNDER THE STANDARD SPECIFICATIONS OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION DATED JANUARY 1, 2021 AND ADDITIONAL SPECIFICATIONS AND SPECIAL PROVISIONS CONTAINED IN THE PLANS AND IN THE PROPOSAL CONTRACT.

JANUARY 2024

LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

R.O.W. PLANS

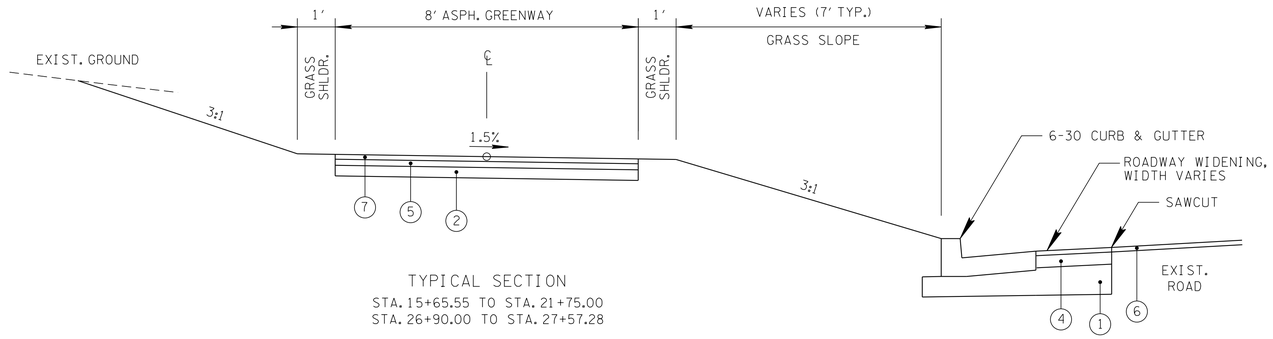
PROJECT NUMBER: FAR303

DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

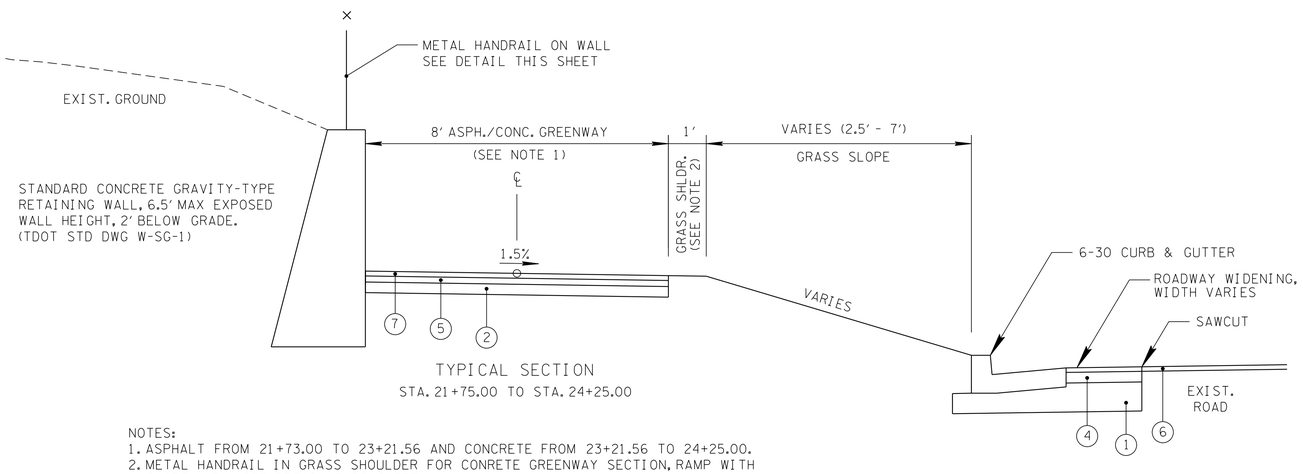
SHEET TITLE:

TITLE SHEET

SHEET 1

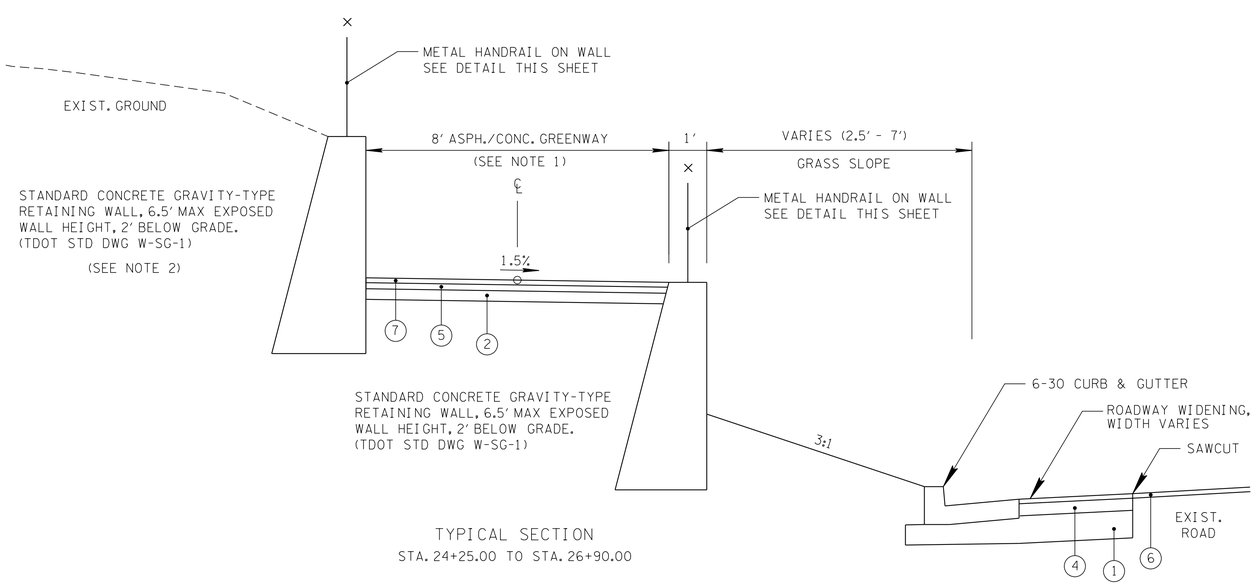


TYPICAL SECTION
STA. 15+65.55 TO STA. 21+75.00
STA. 26+90.00 TO STA. 27+57.28



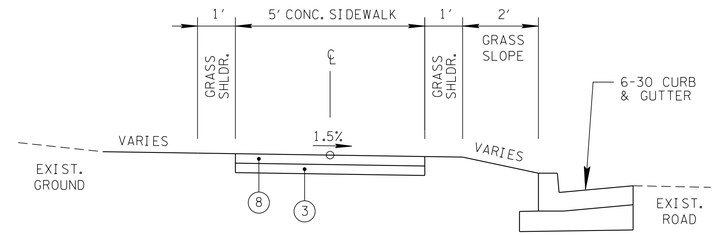
TYPICAL SECTION
STA. 21+75.00 TO STA. 24+25.00

NOTES:
1. ASPHALT FROM 21+73.00 TO 23+21.56 AND CONCRETE FROM 23+21.56 TO 24+25.00.
2. METAL HANDRAIL IN GRASS SHOULDER FOR CONRETE GREENWAY SECTION. RAMP WITH SLOPE > 5%. SEE DETAIL THIS SHEET.



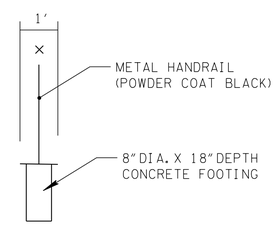
TYPICAL SECTION
STA. 24+25.00 TO STA. 26+90.00

NOTES:
1. CONCRETE FROM 24+25.00 TO 25+00.00 AND ASPHALT FROM 25+00.00 TO 26+90.00.
2. RETAINING WALL ON LEFT SIDE ENDS AT STA. 26+40.00.

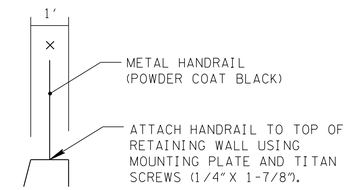


TYPICAL SECTION
STA. 9+75.00 TO STA. 11+95.00
STA. 14+92.55 TO STA. 15+65.55

NOTE: CURB & GUTTER IS EXISTING FROM STA. 14+92.55 TO STA. 15+18.00.



HANDRAIL DETAIL
IN GRASS SHOULDER



HANDRAIL DETAIL
ON RETAINING WALL

PROPOSED PAVEMENT SCHEDULE

1	MINERAL AGGREGATE @ 10" THICK 303-01 MINERAL AGGREGATE, TYPE "A" BASE, GRADING "D"
2	MINERAL AGGREGATE @ 6" THICK 303-01 MINERAL AGGREGATE, TYPE "A" BASE, GRADING "D"
3	MINERAL AGGREGATE @ 4" THICK 303-01 MINERAL AGGREGATE, TYPE "A" BASE, GRADING "D"
4	BITUMINOUS PLANT MIX BASE (HOT MIX) PG64-22 GRADING "B-M2" @ 3.50" THICK (APPROX. 113 LB/SY/INCH) 307-01.08 ASPHALT CONCRETE MIX (PG64-22) (BPMB-HM) GRADING "B-M2"
5	BITUMINOUS PLANT MIX BASE (HOT MIX) PG64-22 GRADING "B-M2" @ 1.75" THICK (APPROX. 113 LB/SY/INCH) 307-01.08 ASPHALT CONCRETE MIX (PG64-22) (BPMB-HM) GRADING "B-M2"
6	ASPHALTIC CONCRETE SURFACE (HOT MIX) PG64-22 GRADING "D" SURFACE @ 1.25" THICK (APPROX. 106 LB/SY/INCH) 411-01.10 ACS MIX (PG64-22) GRADING "D" SURFACE
7	ASPHALTIC CONCRETE SURFACE (HOT MIX) PG64-22 GRADING "E" SHOULDER @ 1.25" THICK (APPROX. 103 LB/SY/INCH) 411-01.07 ACS MIX (PG64-22) GRADING "E" SHOULDER
8	CONCRETE SIDEWALK 701-01.01 CONCRETE SIDEWALK (4")

LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

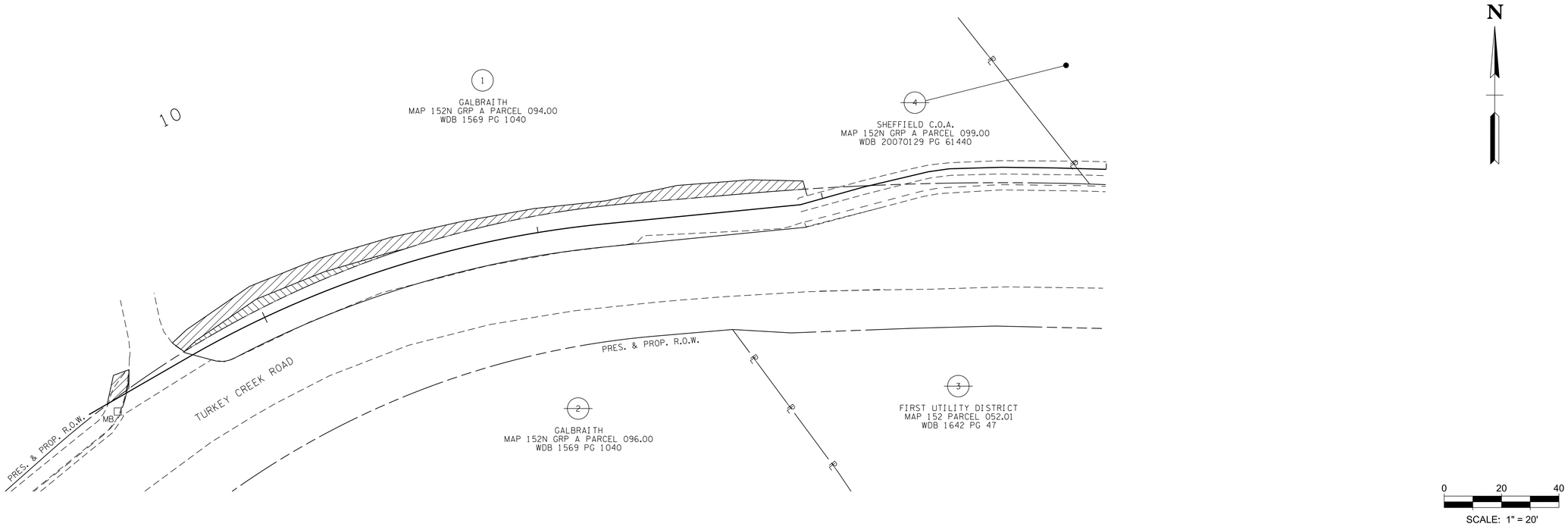
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

TYPICAL SECTIONS

SHEET 2



R.O.W. ACQUISITION TABLE

TRACT NO.	PROPERTY OWNERS	COUNTY RECORDS				TOTAL AREA (ACRES)			AREA TO BE ACQUIRED (ACRES)			AREA REMAINING (ACRES)		EASEMENT (SQUARE FEET)				
		TAX MAP NO.	PARCEL NO.	DEED DOCUMENT REFERENCE		LEFT	RIGHT	TOTAL	LEFT	RIGHT	TOTAL	LEFT	RIGHT	PERM DRAINAGE	SLOPE	CONST	AIR RIGHTS	PERM RAILROAD
				BOOK	PAGE													
1	DAVID MOORE GALBRAITH	152N	094.00	1569	1040	3.620		3.620				3.620			159 S.F.	975 S.F.		
2	DAVID MOORE GALBRAITH	152N	096.00	1569	1040		1.760	1.760					1.760					
3	FIRST UTILITY DISTRICT OF KNOX COUNTY, TN	152	052.01	1642	47		0.263	0.263					0.263					
4	SHEFFIELD COMMUNITY OWNERS ASSOCIATION INC.	152N	099.00	20070129	0061440	0.337		0.337				0.337						

PROPERTY MAP LEGEND

PRESENT R.O.W.

PROPOSED R.O.W.

SLOPE EASEMENT

CONSTRUCTION EASEMENT

LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

R.O.W. PLANS

PROJECT NUMBER: FAR303

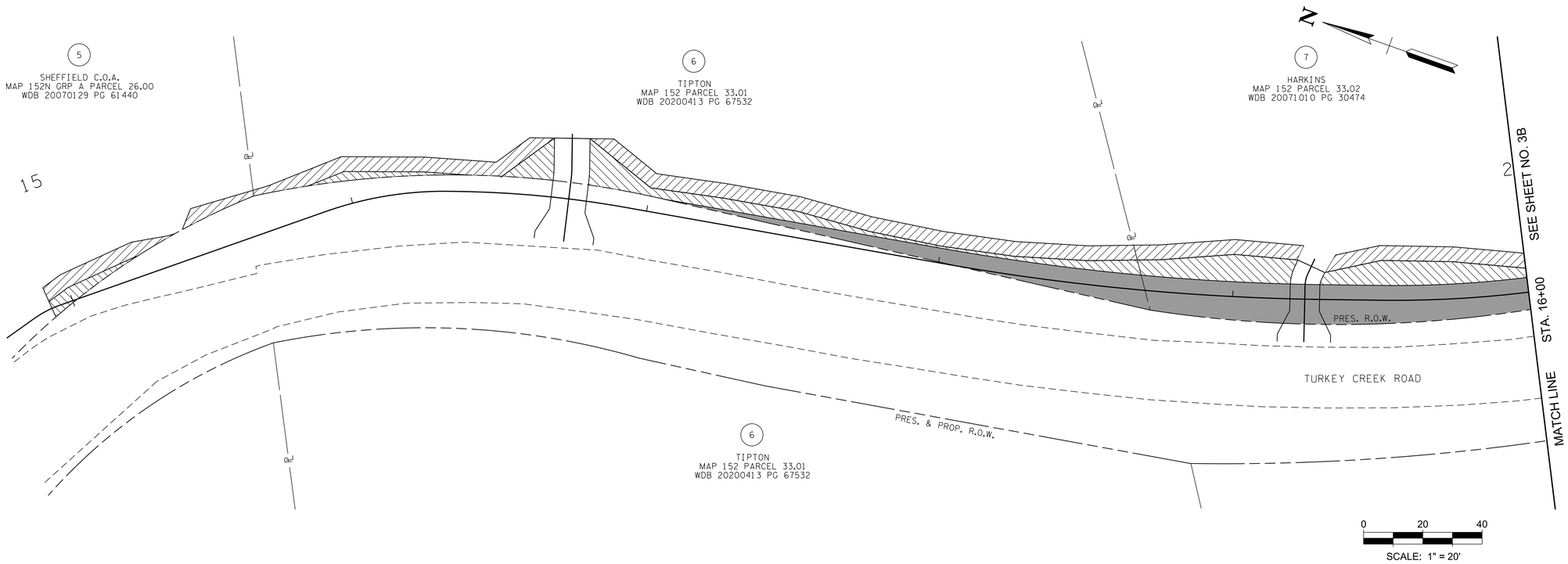
DATE: JAN 2024 | SCALE: AS SHOWN

DRAWN BY: JCE | DESIGNED BY: JCE

SHEET TITLE:

PROPERTY MAP BEGIN TO 13+00

SHEET 3



R.O.W. ACQUISITION TABLE

TRACT NO.	PROPERTY OWNERS	COUNTY RECORDS				TOTAL AREA (ACRES)			AREA TO BE ACQUIRED (ACRES)			AREA REMAINING (ACRES)		EASEMENT (SQUARE FEET)				
		TAX MAP NO.	PARCEL NO.	DEED DOCUMENT REFERENCE		LEFT	RIGHT	TOTAL	LEFT	RIGHT	TOTAL	LEFT	RIGHT	PERM DRAINAGE	SLOPE	CONST	AIR RIGHTS	PERM RAILROAD
				BOOK	PAGE													
5	SHEFFIELD COMMUNITY OWNERS ASSOCIATION INC.	152N	026.00	20070129	0061440	14.760		14.760				14.760			105 S.F.	287 S.F.		
6	HOWARD L. & BOBBIE L. TIPTON	152	033.01	20200413	0067532	1.070	1.130	2.200	745 S.F.		745 S.F.	1.053	1.130		816 S.F.	1374 S.F.		
7	SHIRLEY HARKINS	152	033.02	20071010	0030474	1.630	0.721	2.351	3081 S.F.		3081 S.F.	1.559	0.721		1406 S.F.	1452 S.F.		

PROPERTY MAP LEGEND

- PRESENT R.O.W.
- PROPOSED R.O.W.
- SLOPE EASEMENT
- CONSTRUCTION EASEMENT

LDA ENGINEERING

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FARRAGUT, TENNESSEE

R.O.W. PLANS

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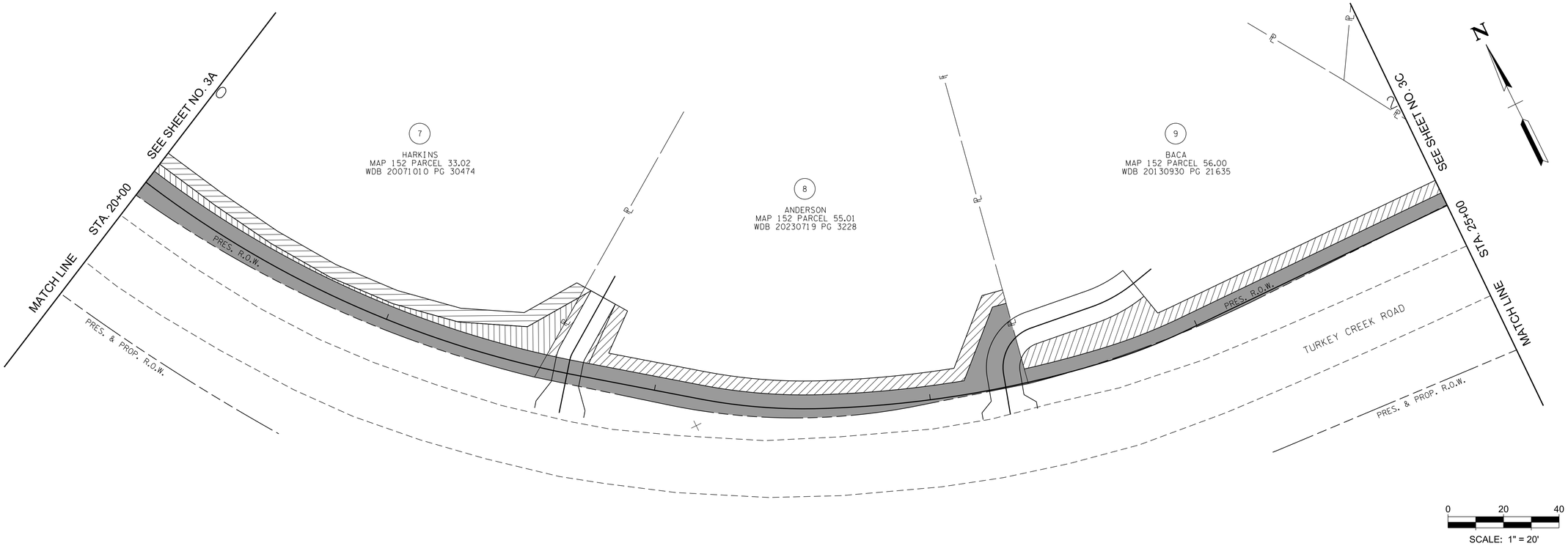
DRAWN BY: JCE | DESIGNED BY: JCE

SHEET TITLE:

PROPERTY MAP 14+75 TO 20+00

SHEET 3A



R.O.W. ACQUISITION TABLE

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		TAX MAP NO.	PARCEL NO.	DEED DOCUMENT REFERENCE		LEFT	RIGHT	TOTAL	LEFT	RIGHT	TOTAL	LEFT	RIGHT	PERM DRAINAGE	SLOPE	CONST	AIR RIGHTS	PERM RAILROAD
				BOOK	PAGE													
8	APRIL & DUSTIN ANDERSON	152	055.01	20230719	0003228	0.468		0.468	1722 S.F.		1722 S.F.	0.428				1019 S.F.		
9	JOHN A. BACA & MELISSA J. ROSS	152	056.00	20130930	0021635	0.478		0.478	953 S.F.		953 S.F.	0.456				1116 S.F.		

PROPERTY MAP LEGEND

PRESENT R.O.W.

PROPOSED R.O.W.

SLOPE EASEMENT

CONSTRUCTION EASEMENT

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TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

R.O.W. PLANS

PROJECT NUMBER: FAR303

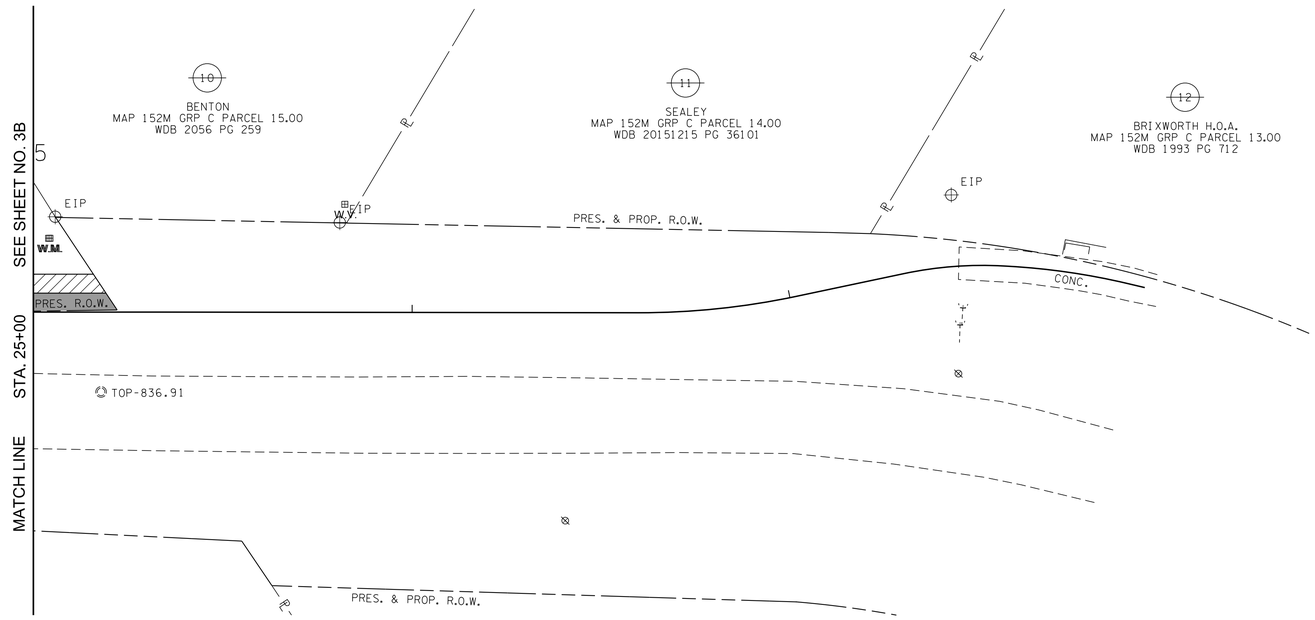
DATE: JAN 2024 | SCALE: AS SHOWN

DRAWN BY: JCE | DESIGNED BY: JCE

SHEET TITLE:

PROPERTY MAP 20+00 TO 25+00

SHEET 3B



N

0 20 40
SCALE: 1" = 20'

R.O.W. ACQUISITION TABLE

TRACT NO.	PROPERTY OWNERS	COUNTY RECORDS				TOTAL AREA (ACRES)			AREA TO BE ACQUIRED (ACRES)			AREA REMAINING (ACRES)		EASEMENT (SQUARE FEET)				
		TAX MAP NO.	PARCEL NO.	DEED DOCUMENT REFERENCE		LEFT	RIGHT	TOTAL	LEFT	RIGHT	TOTAL	LEFT	RIGHT	PERM DRAINAGE	SLOPE	CONST	AIR RIGHTS	PERM RAILROAD
				BOOK	PAGE													
10	JERRY L. & MARY L. BENTON	152M	015.00	2056	259	0.492		0.492				0.492						
11	BENJAMIN & NICOLE SEALEY	152M	014.00	20151215	0036101	0.433		0.433				0.433						
12	BRIXWORTH HOMEOWNERS ASSOCIATION INC.	152M	013.00	1993	712	0.437		0.437				0.437						

PROPERTY MAP LEGEND

PRESENT R.O.W.

PROPOSED R.O.W.

SLOPE EASEMENT

CONSTRUCTION EASEMENT

LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

R.O.W. PLANS

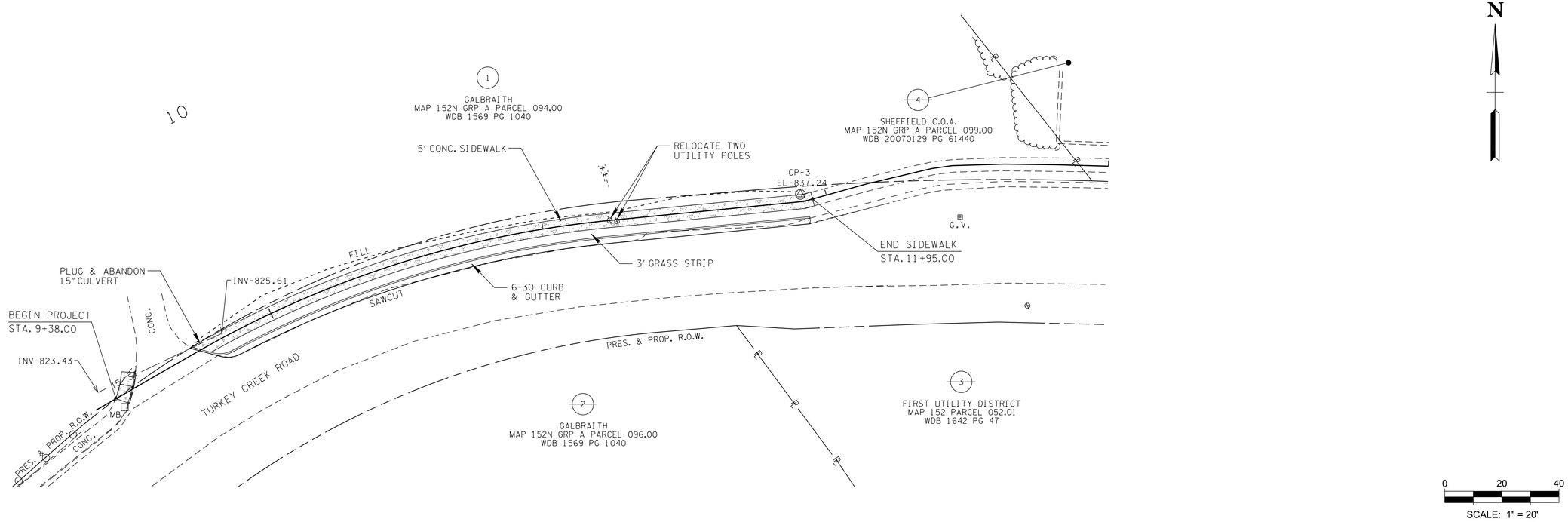
PROJECT NUMBER: FAR303

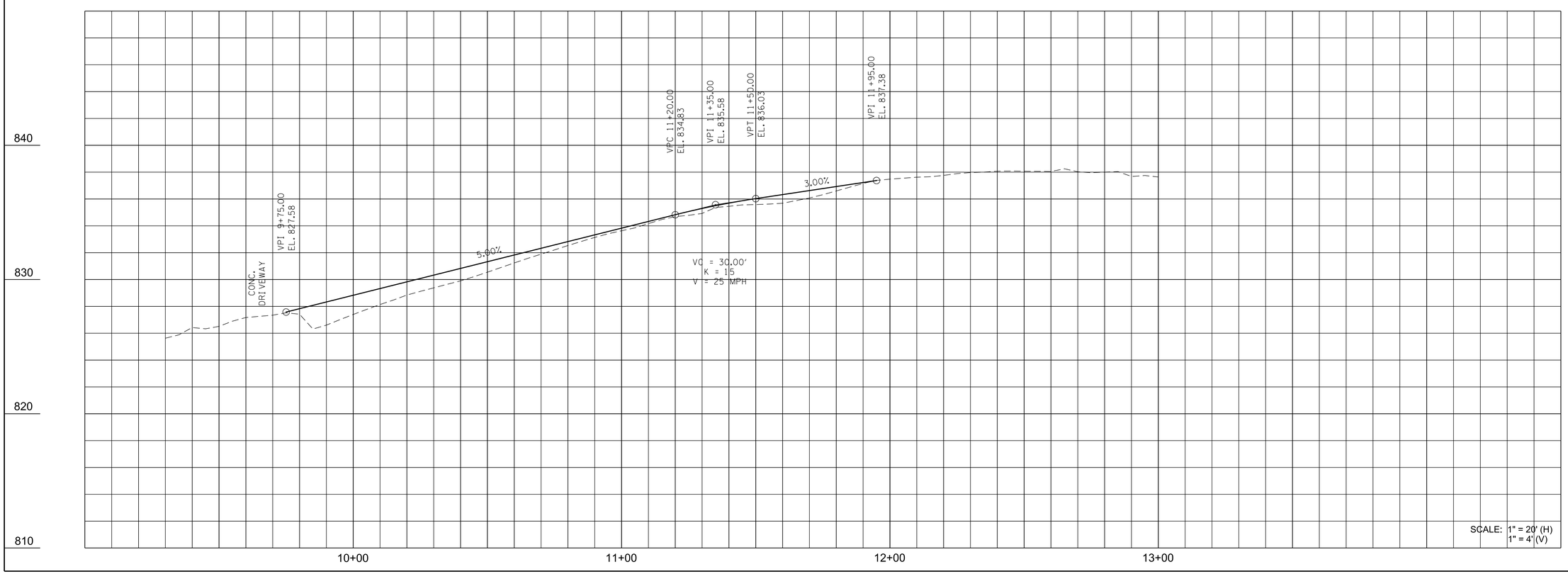
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

PROPERTY MAP 25+00 TO END

SHEET 3C





LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

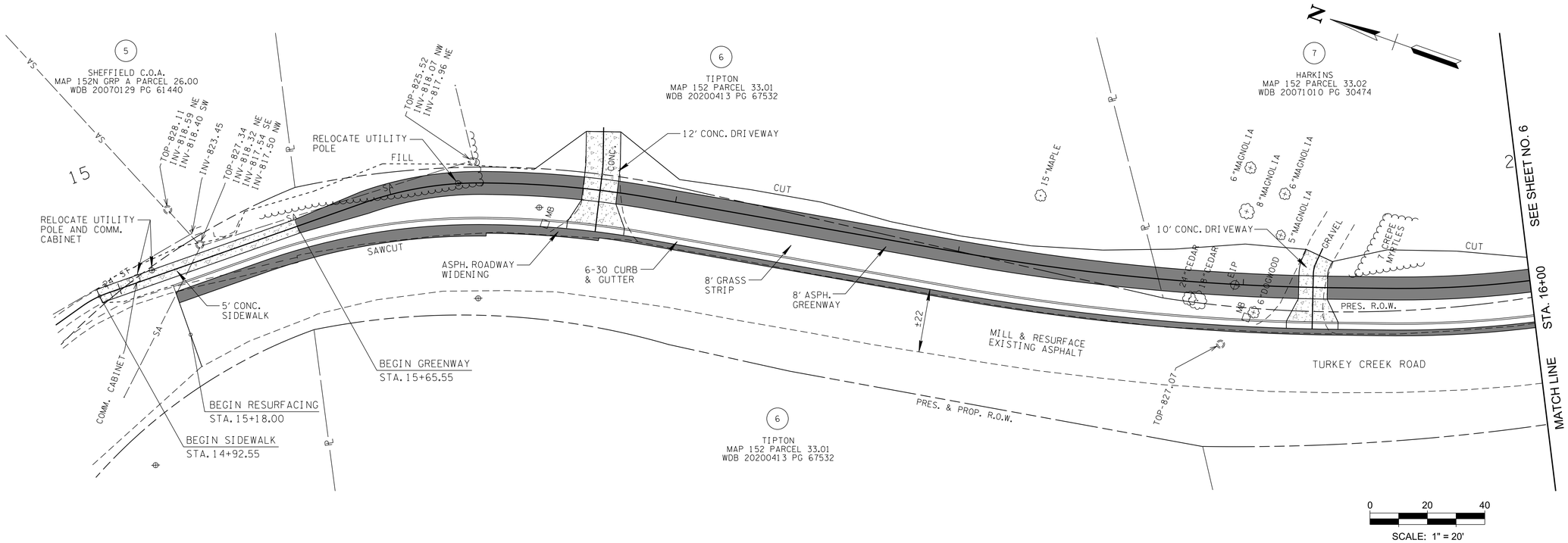
R.O.W. PLANS

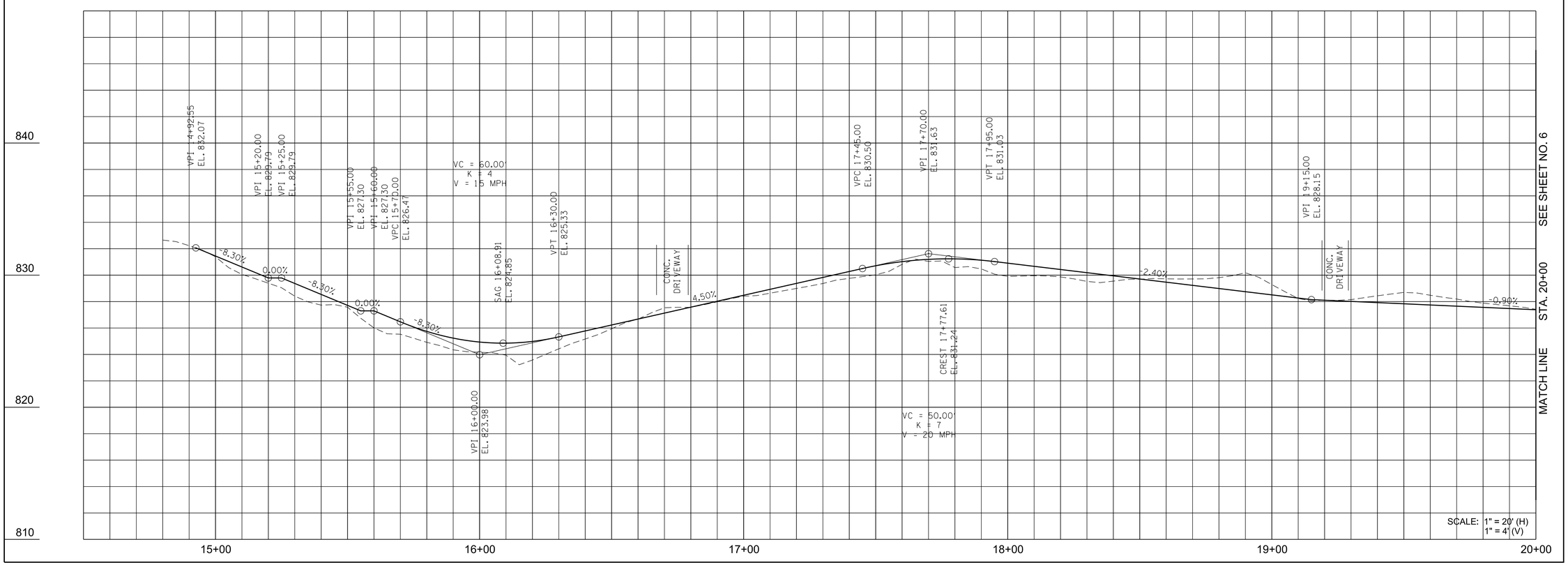
PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

PLAN AND PROFILE BEGIN TO 13+00

SHEET 4





LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

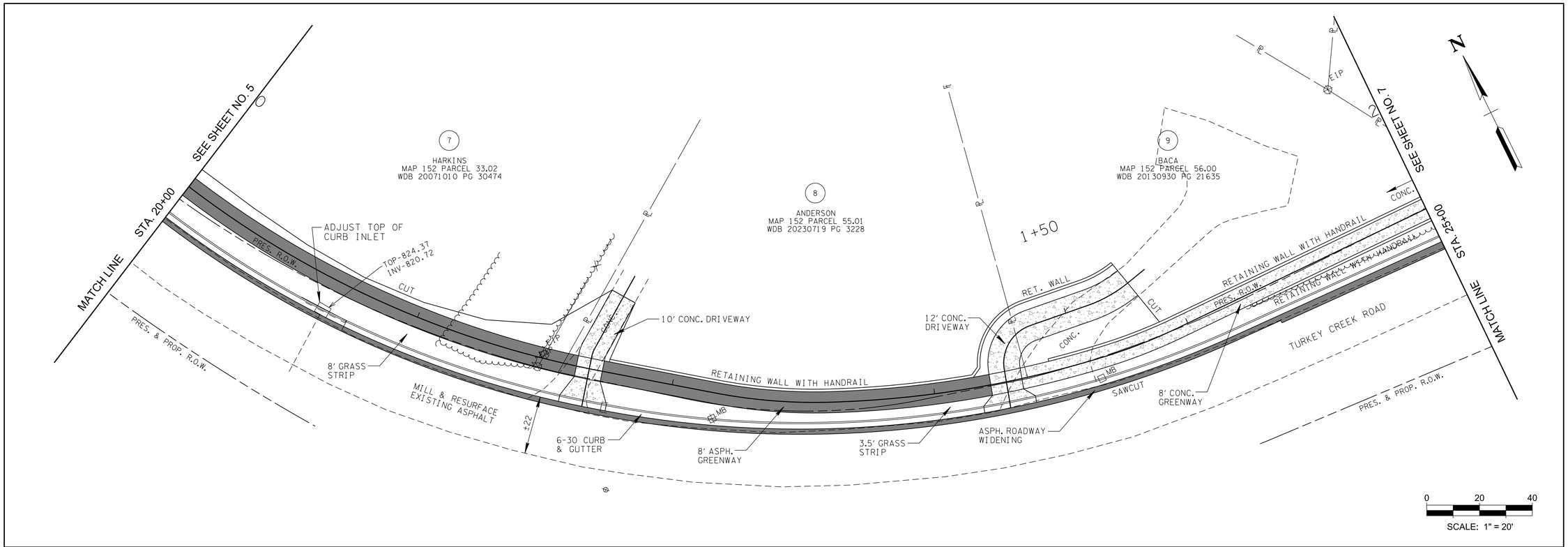
R.O.W. PLANS

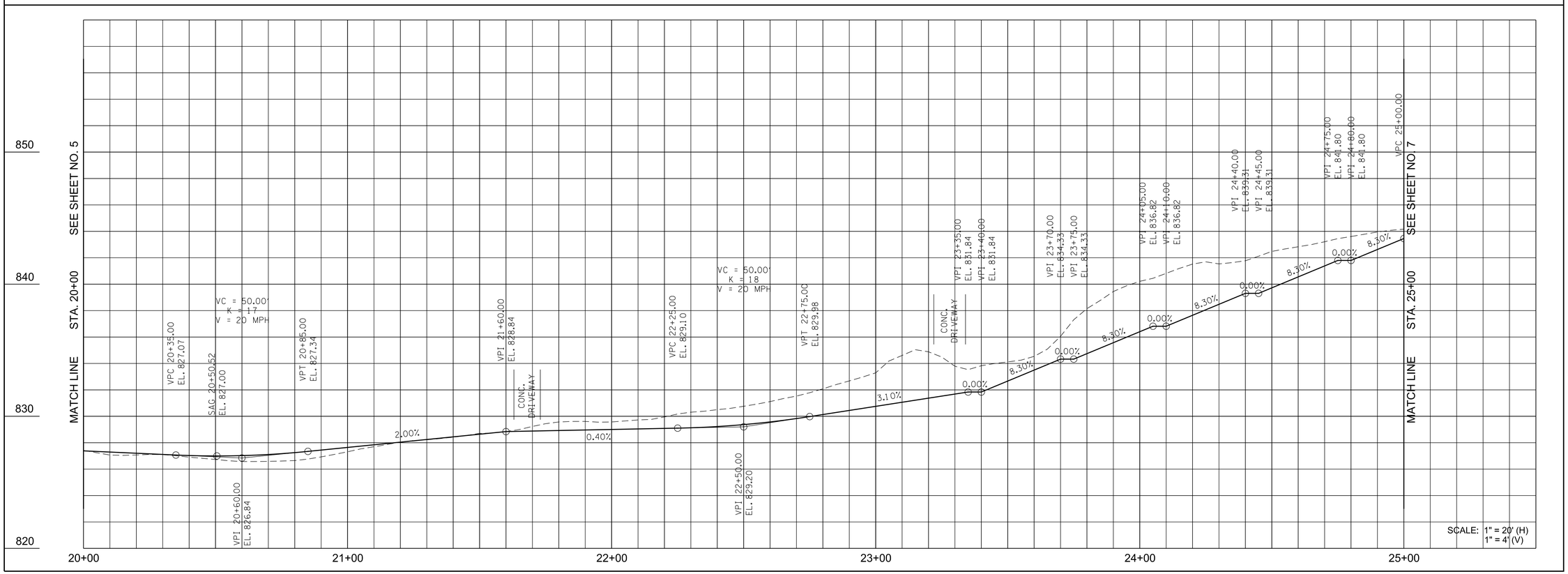
PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

PLAN AND PROFILE 14+75 TO 20+00

SHEET 5





LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

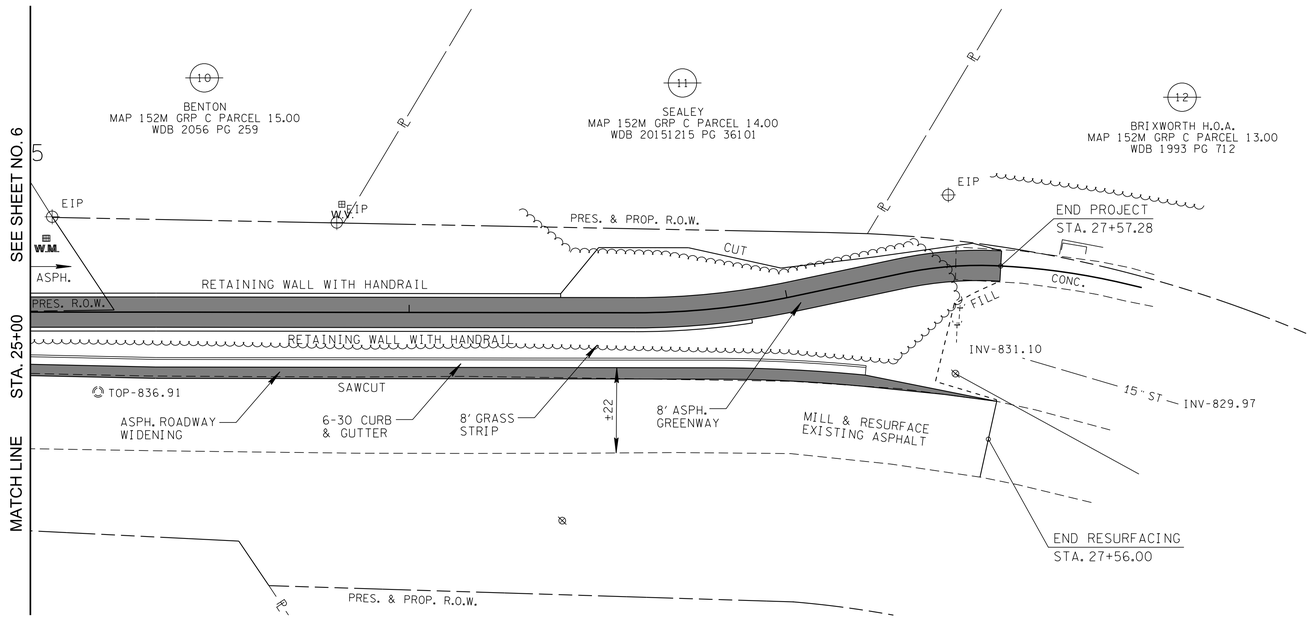
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

PLAN AND PROFILE 20+00 TO 25+00

SHEET 6



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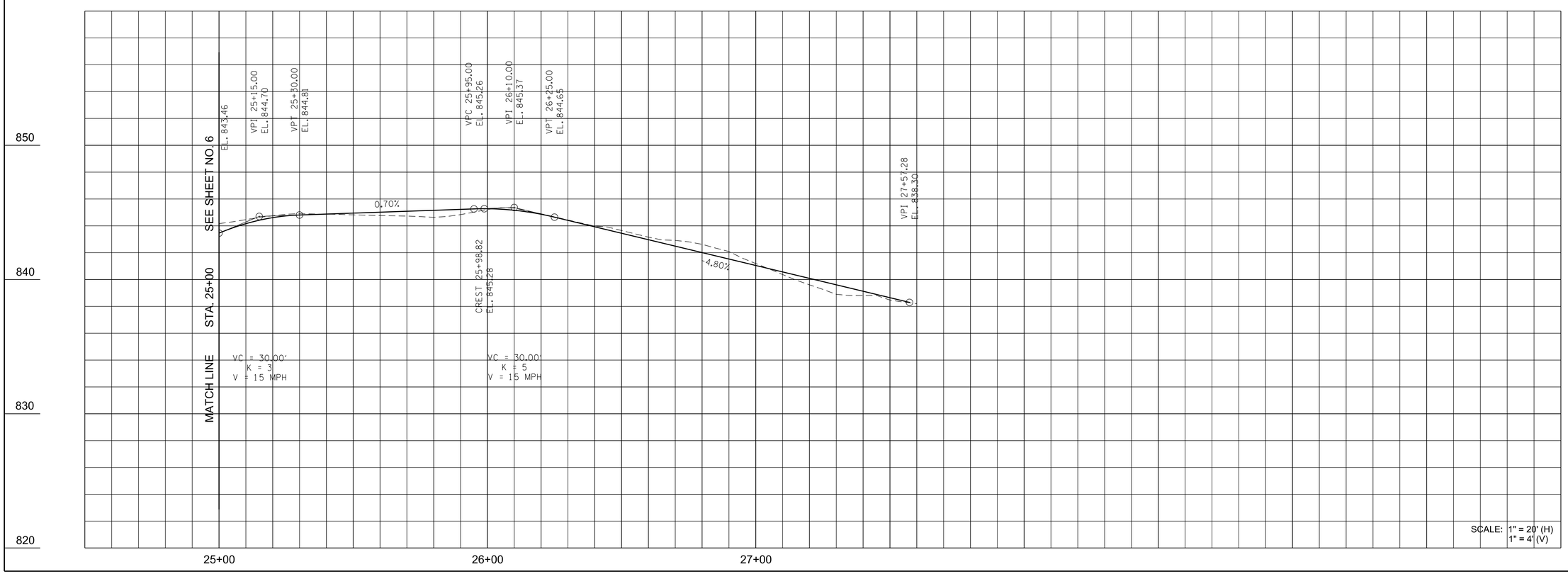


LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

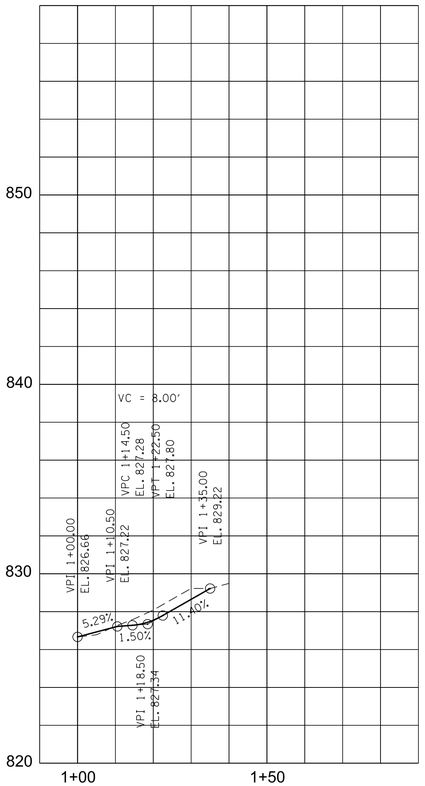
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

PLAN AND PROFILE 25+00 TO END

SHEET 7



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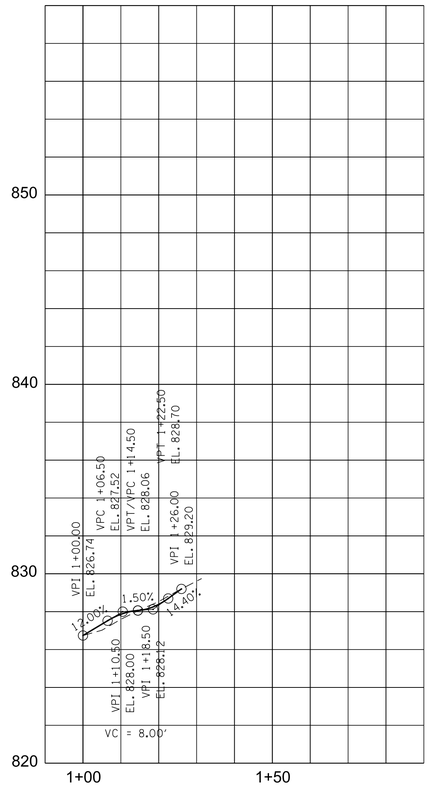
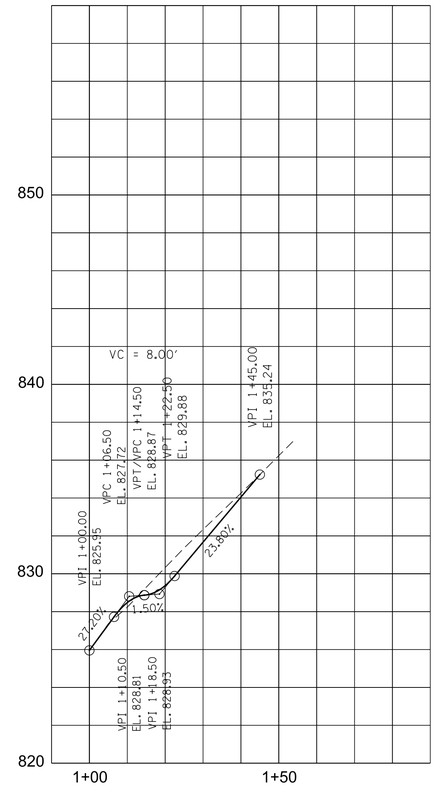


TRACT 7



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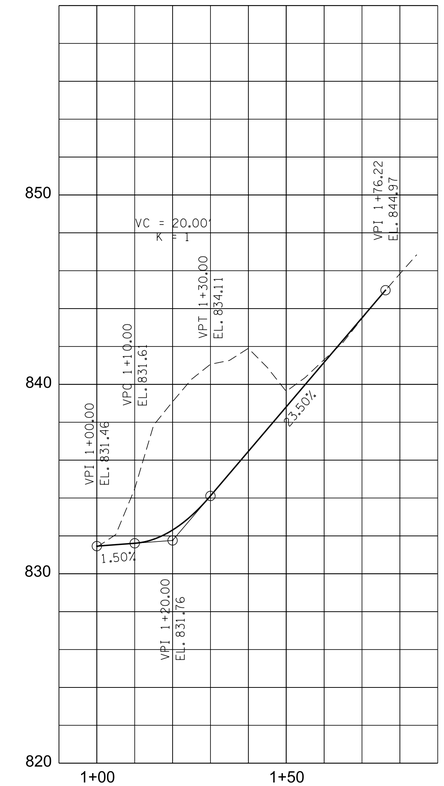

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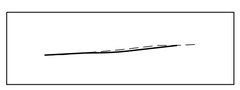
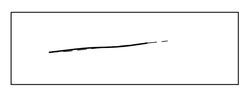
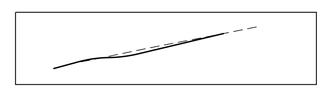
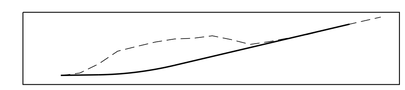




DRIVEWAY PROFILES WITH NO VERTICAL EXAGGERATION





SCALE: 1" = 20' (H)
1" = 4' (V)

LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

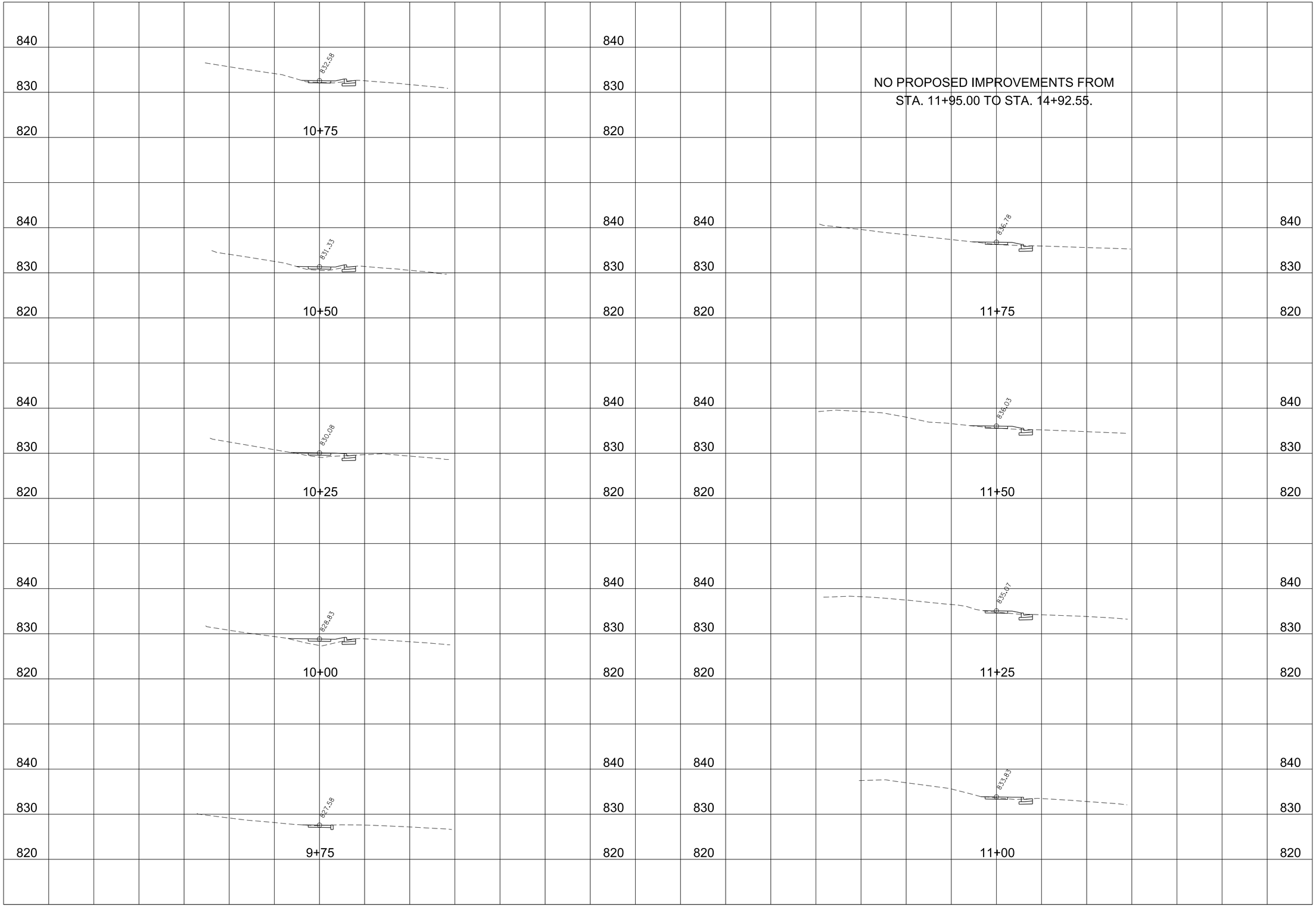
TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

PROJECT NUMBER: FAR303	
DATE: FEB 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

DRIVEWAY PROFILES

SHEET 8



LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

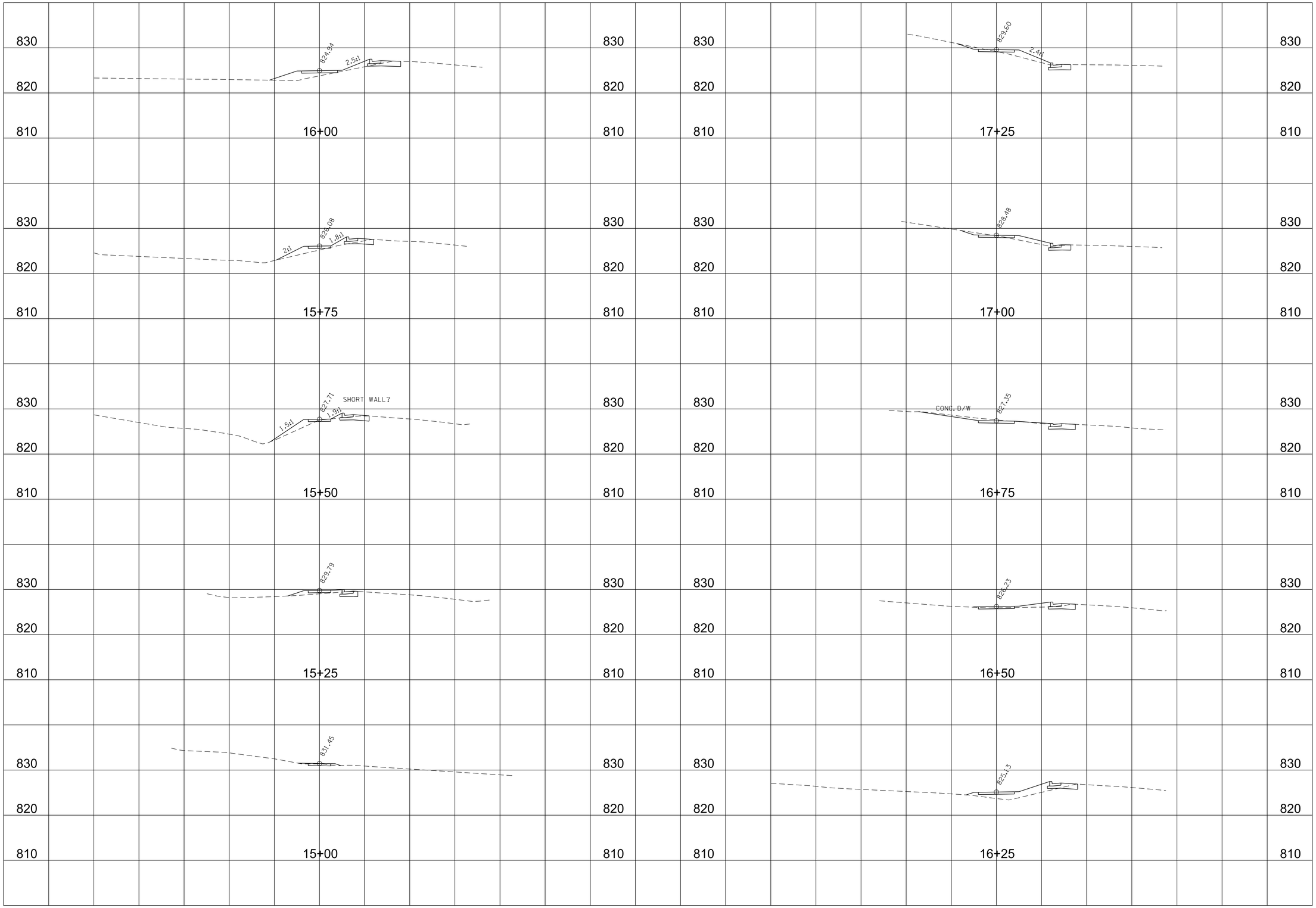
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

CROSS SECTIONS STA. 9+75 TO STA. 11+75

SHEET XS1



LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

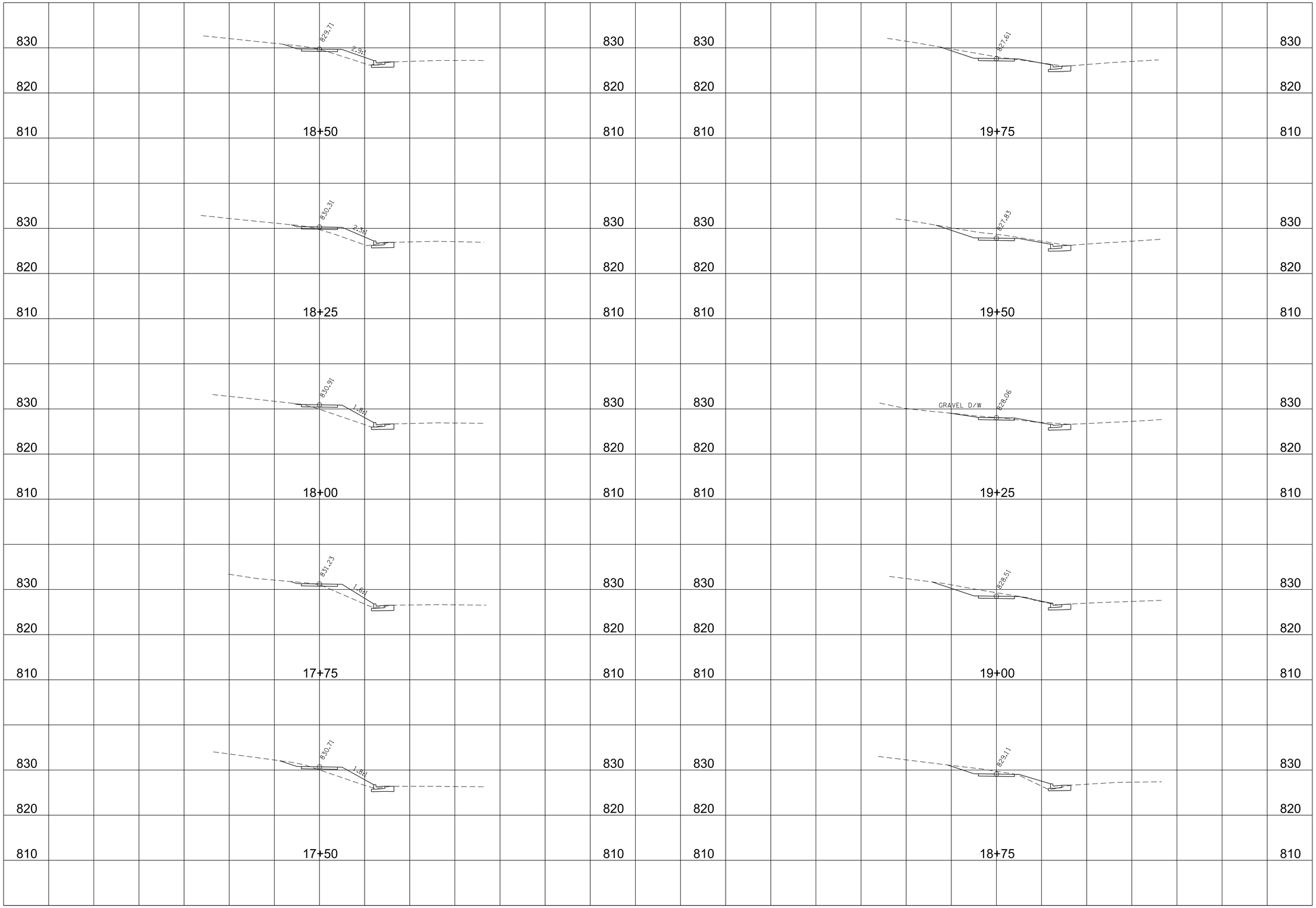
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

CROSS SECTIONS STA. 15+00 TO STA. 17+25

SHEET XS2



LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

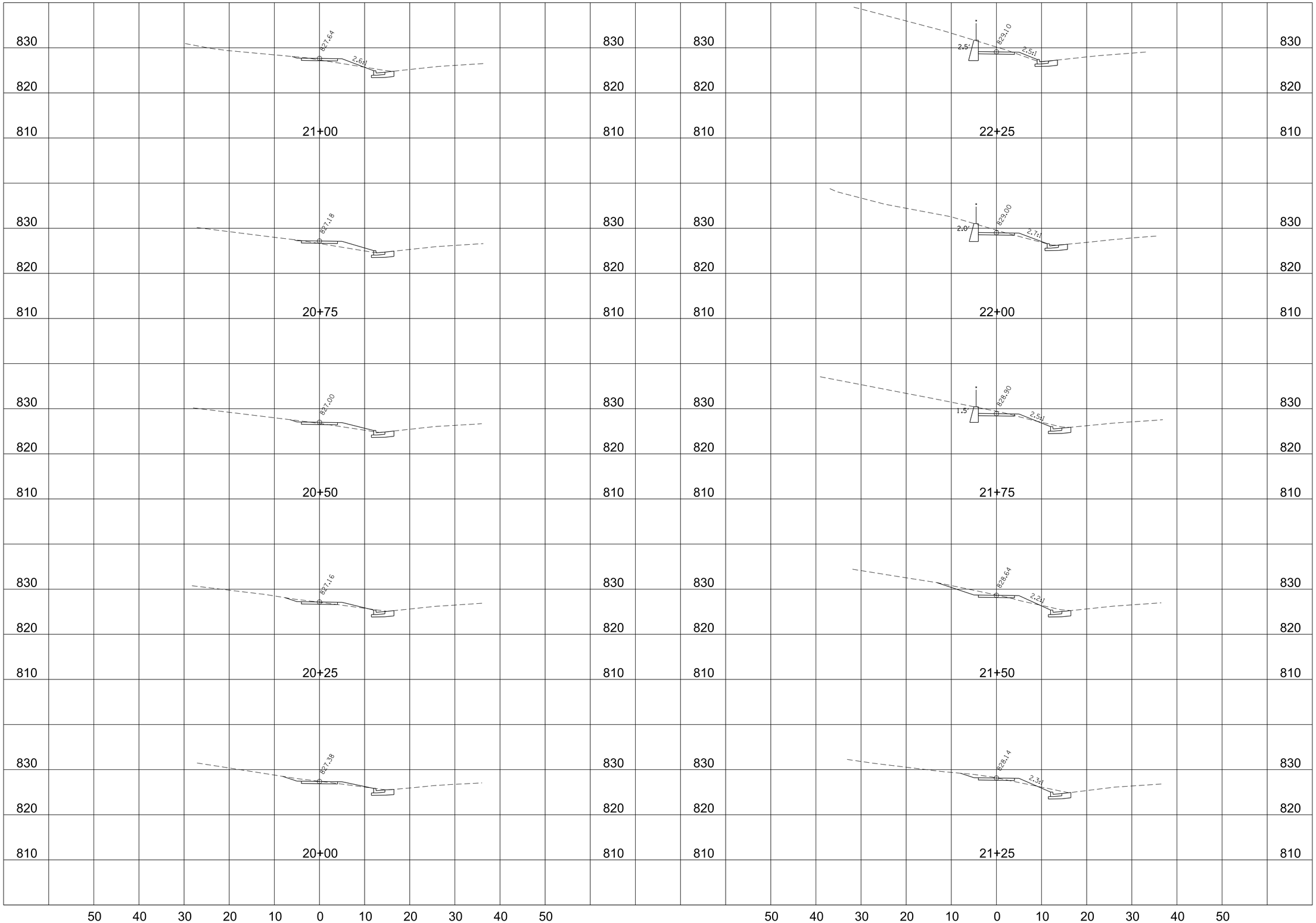
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

CROSS SECTIONS STA. 17+50 TO STA. 19+75

SHEET XS3



LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

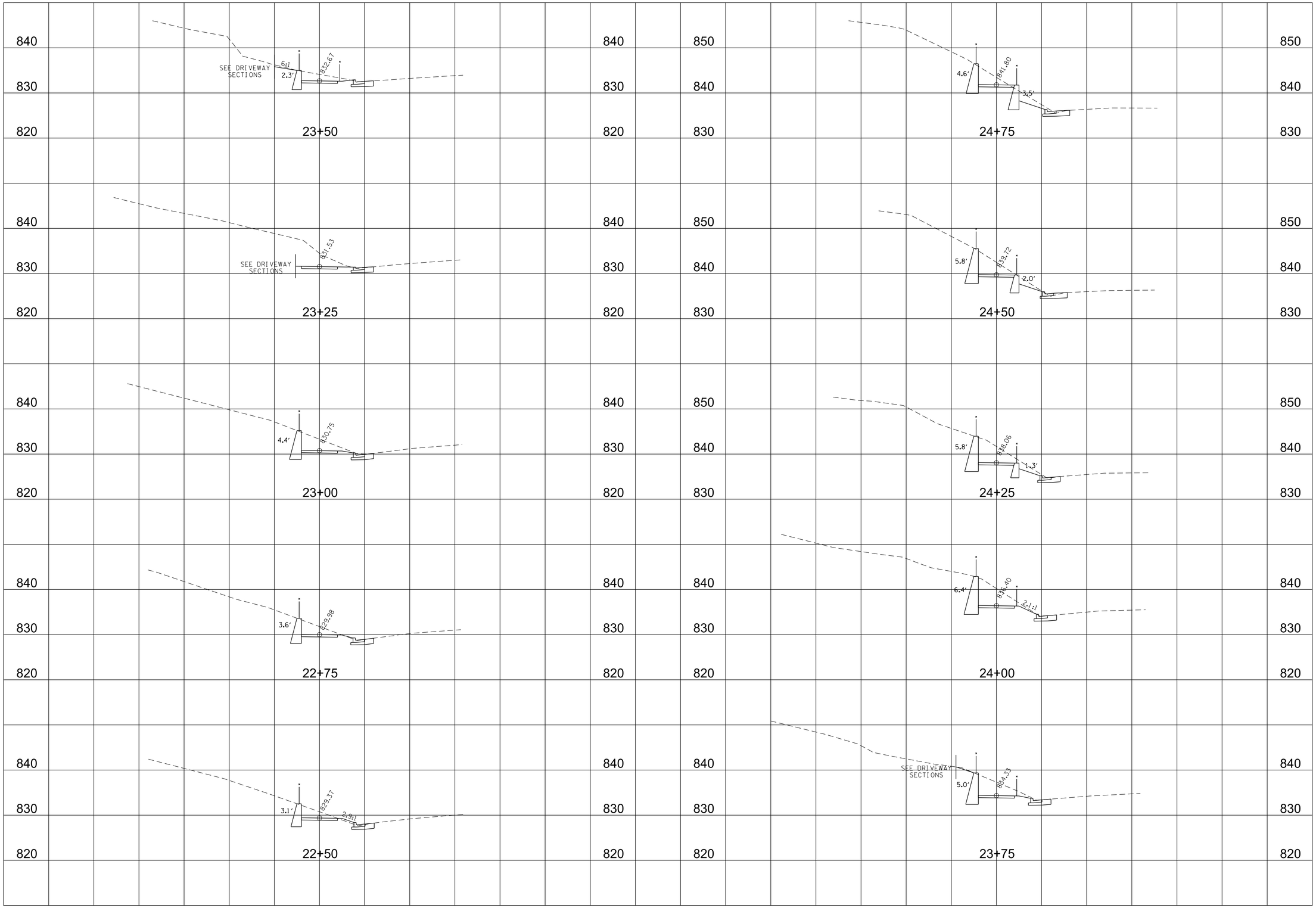
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

CROSS SECTIONS STA. 20+00 TO STA. 22+25

SHEET XS4



LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

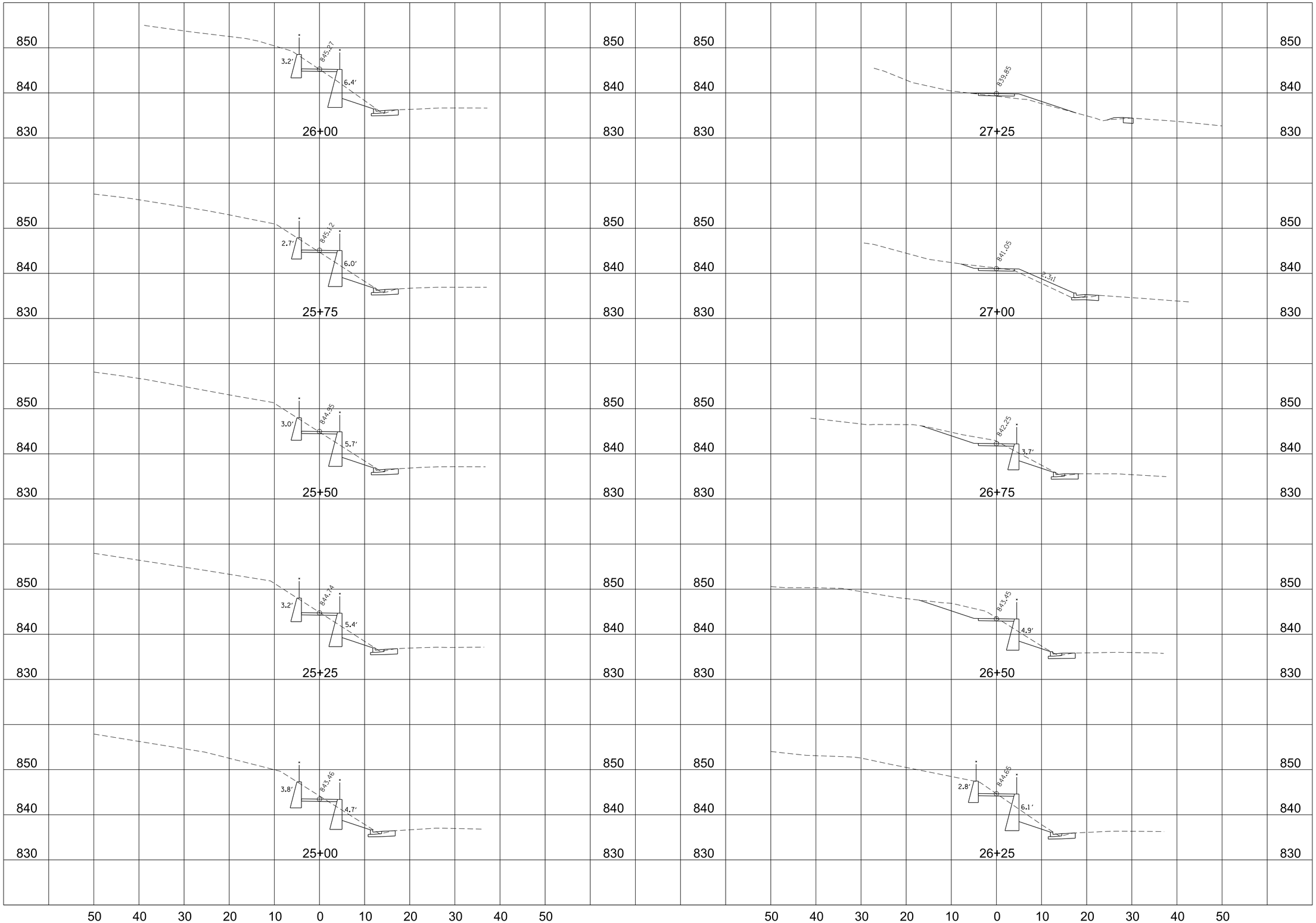
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

CROSS SECTIONS STA. 22+50 TO STA. 24+75

SHEET XS5



LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

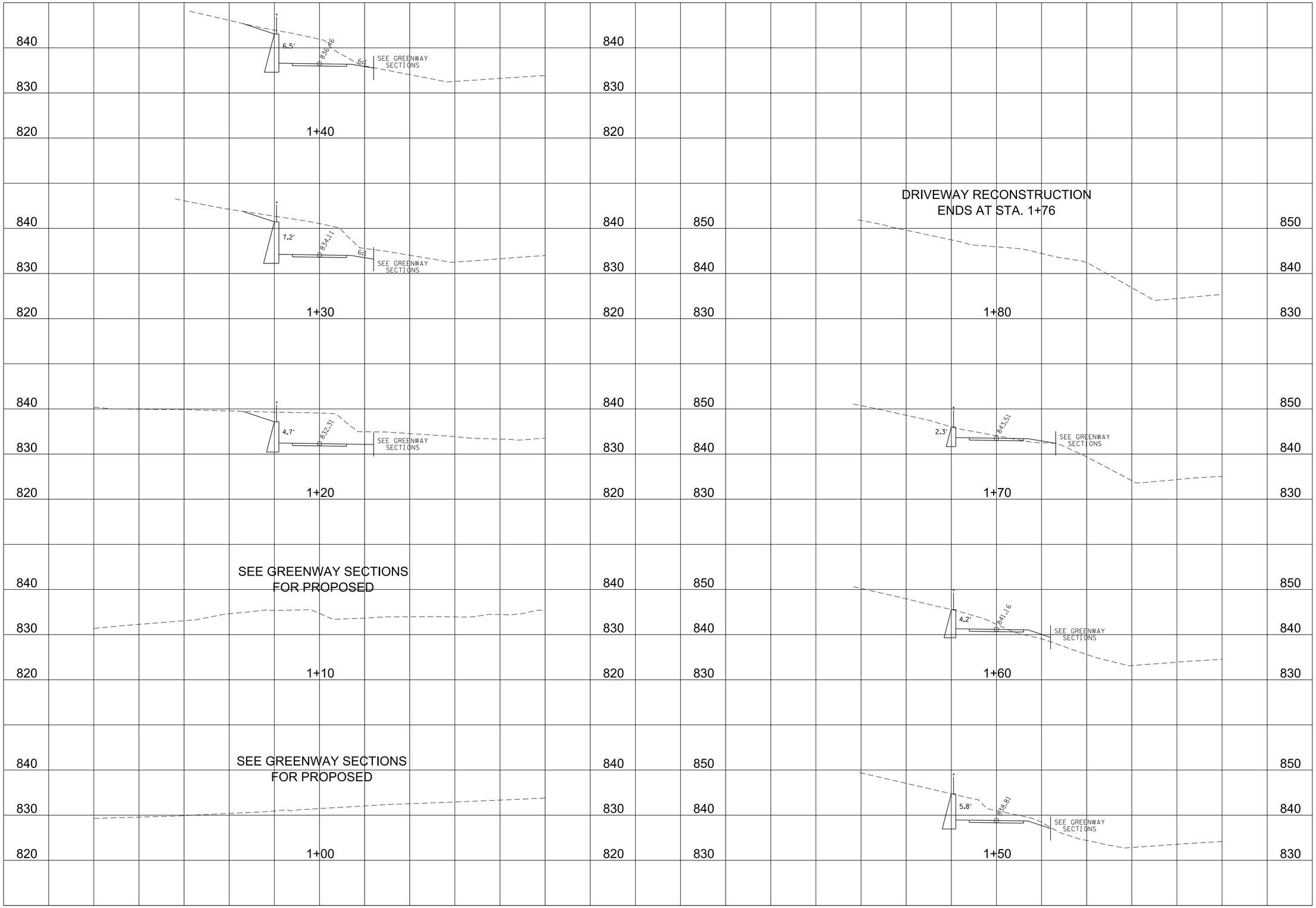
R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

CROSS SECTIONS STA. 25+00 TO STA. 27+25

SHEET XS6



LDA ENGINEERING

REV	DATE	REVISION DESCRIPTION

TURKEY CREEK ROAD GREENWAY EXTENSION
FARRAGUT, TENNESSEE

R.O.W. PLANS

PROJECT NUMBER: FAR303	
DATE: JAN 2024	SCALE: AS SHOWN
DRAWN BY: JCE	DESIGNED BY: JCE

SHEET TITLE:

CROSS SECTIONS DRIVEWAY FOR TRACT 9

SHEET XS7

MEETING DATE: May 16, 2024 **AGENDA ITEM #4**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Darryl Smith, PE.,. Town Engineer and Tyler Ellison, Stormwater Coordinator

SUBJECT: Discussion and public hearing on approval of a new Stormwater Management Control Ordinance to replace Chapters 103 and 111 of the Farragut Code of Ordinances (Town of Farragut, Applicant)

INTRODUCTION AND BACKGROUND: The purpose of this item is to provide discussion and approval of a new Stormwater Management Control Ordinance, replacing the current Stormwater Management Control Ordinance and the Town's Aquatic Buffer Ordinance in their entirety.

DISCUSSION: As a Phase II Community, the Town of Farragut is required by The Tennessee Department of Environment and Conservation (TDEC) to revise and/or update its ordinances to reflect new requirements issued within the Small Municipal Separate Storm Sewer System Permit (MS4) and Construction General Permit (CGP) every permit cycle/new issuance. The most significant update to the Town's Stormwater Management Control Ordinance is the inclusion of language to codify all requirements of the aquatic buffer (now referred to as water quality riparian buffer) adjacent to streams and tributaries contributing to those streams, and thereby eliminating the need for a separate chapter covering aquatic buffers. Due to the Turkey Creek, the Little Turkey Creek, and the North Fork of Turkey Creek currently being impaired due to siltation, the Town has updated its Stormwater Management Control Ordinance to include requirements that further prevent and reduce negative impacts from the MS4. The following requirements are listed below:

A. For permanent stormwater management, increase the water quality riparian buffer (aquatic buffer) from 25-ft. to 30-ft.
B. For developments draining to impaired waters, increase the average width from 30-ft. (15-ft. minimum) to 60-ft. (30-ft. minimum).
C. For developments draining to impaired waters, increase the design storm on their Stormwater Pollution Prevention Plans (SWPPPs) from a 2-year, 24-hour storm event to a 5-year, 24-hour storm event.

The attached ordinance is based upon a model ordinance drafted by the University of Tennessee Municipal Technical Advisory Service (MTAS), with language from the Town's current Stormwater Management Control Ordinance (highlighted in yellow) inserted to address design parameters for detention basins, pipes, design storms, development draining to sinkholes, and low-impact development. Additional language is inserted (also highlighted) to include certain definitions Town staff wish to clarify with adoption of this ordinance. It must be noted that all language not highlighted is copied directly from the MTAS model ordinance and is modified only to match the Town's ordinance format. The model ordinance covers all of TDEC's requirements in a shorter and more concise document and allows for the elimination of our current Stormwater Management Control Ordinance and Aquatic Buffer Ordinance.

RECOMMENDATION: Included in the packet is a marked-up version of the amended Stormwater Management Control Ordinance. Also included with Ordinance 24-07 is a clean copy of the Stormwater Management Control Ordinance. The Town Attorney and the Stormwater Advisory Committee have both approved the language in Ordinance 24-07. The staff recommends approval of Resolution PC-24-03 which recommends approval of Ordinance 24-07 to the Board of Mayor and Aldermen.

CHAPTER 111 — STORMWATER MANAGEMENT CONTROL

111-1. LEGAL AUTHORITY

Under the authority of the Federal Water Pollution Control Act of 1977 (known as the Clean Water Act), the United States Environmental Protection Agency (EPA) is specifically required to develop and oversee the National Pollutant Discharge Elimination System (NPDES) permit program which requires all communities operating a small municipal separate storm sewer system (MS4) to regulate the discharge of pollutants to the waters of the state. Under the authority of the Tennessee Water Quality Control Act of 1977 the Tennessee Department of Environment and Conservation (TDEC) has interpreted that this mandate includes the regulation of aquatic buffers. The Legislature of the State of Tennessee has in *Tennessee Code Annotated,* § 6-2-201, delegated the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

111-2. SCOPE OF AUTHORITY

Any person, firm, corporation, business or any other entity proposing to develop land or improve property within the Town of Farragut is subject to the provisions of this ordinance. This ordinance also applies to individual building structures, subdivisions, excavations and fill operations, and similar activities. The Scope of Authority extends to additional improvements on projects, developments, subdivisions, etc. which were previously permitted and/or constructed under the authority of prior ordinances or guidelines. This chapter shall apply to all water generated on developed or undeveloped land entering the town's separate storm sewer system.

111-3. GENERAL PROVISIONS

(1) Purpose

It is the purpose of this chapter to:

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

b. Enable the Town of Farragut to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122 as applicable for stormwater discharges;

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

i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the Town of Farragut, whether owned and operated by the City;

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

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

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

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

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

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

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

(2) Administering entity

The Town of Farragut shall administer the provisions of this chapter.

(3) Stormwater management ordinance

The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering tool for permit compliance and to facilitate the necessary control of stormwater.

111-4. DEFINITIONS

For this chapter, the following definitions shall apply:

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

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

2. **Analytical monitoring** - Test Procedures for the Analysis of Pollutants - Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required. Pollutant parameters shall be determined using sufficiently sensitive methods in Title 40 C.F.R. § 136, as amended, and promulgated pursuant to Section 304 (h) of the Act. The chosen methods must be sufficiently sensitive as required in state rule 0400-40-03-.05(8).

3. **Aquatic Resource Alteration Permit (ARAP)** physical alterations to properties of the waters of the state require an ARAP or a §401 Water Quality Certification (§401 certification). ARAP means a permit issued pursuant to T.C.A. § 69-3-108 of the Act, which authorizes the alteration of properties of waters of the state that result from activities other than discharges of wastewater through a pipe, ditch, or other conveyance.

4. **As built plans (record drawings)** mean drawings depicting conditions as they were actually constructed.

5. **Best Management Practices ("BMPs")** 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 state. BMPs also include treatment requirements, operating procedures; and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage. BMPs include source control practices (non-structural BMPs) and engineered structures designed to treat runoff.

    - Structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site.

    - Non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.

6. **BMP Manual** provides technical guidance including additional policies, criteria, standards, specifications, constants, and information for the proper implementation of the requirements of the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122 as applicable for stormwater discharges.

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

8. **Buffer Zone or Water Quality Riparian Buffer** is a permanent strip of natural perennial vegetation, adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing risk of any potential sediments,

nutrients or other pollutants reaching adjacent surface waters and to further prevent negative water quality impacts by providing canopy over adjacent waters.

9. **Channel** means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

10. **Clearing** refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities. Clearing, grading, and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams, or power lines for sight distance or other maintenance and/or safety concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

11. **Commencement of construction** means the initial disturbance of soils associated with clearing, grading, excavating or other construction activities.

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

13. **Construction Stormwater discharge-related activities** means activities that cause, contribute to, or result in point source stormwater pollutant discharges. These activities may include excavation, site development, grading and other surface disturbance activities; activities to control stormwater including the siting, construction, and operation of best management practices (BMPs).

14. **Control measure** refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

15. **Clean Water Act or CWA** means the Clean Water Act of 1977 or the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq. (1972), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

16. **Design storm** is a storm event as defined by Precipitation-Frequency Atlas of the United States. Atlas 14. Volume 2. Version 3.0. U.S. Department of Commerce. National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland or its digital product equivalent. The estimated design rainfall amounts, for any return period interval (i.e., 1-yr, 2-yr, 5-yr, 25-yr, etc.) in terms of either depths or intensities for any duration, can be found by accessing the data available at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html.

The Design Storm Events for the Town are: 1-yr., 2-yr., 5-yr., 10-yr., 25-yr., and 100-yr.

17. **Discharge or discharge of a pollutant** refers to the addition of pollutants to waters from a source.

18. **Ecoregion** is a relatively homogeneous area defined by similarity of climate, landform, soil, potential natural vegetation, hydrology, or other ecologically relevant variables. Ecoregions can be determined for specific stream segments by using Tennessee's Online Water Quality Assessment Data viewer http://tdeconline.tn.gov/dwr.

19. **Environmental Protection Agency** is independent agency in the executive branch charged with controlling and abating environmental pollution. The EPA maintains separate programs dealing with air and radiation, water, solid waste, and pesticides and toxic substances. Among the agency's principal tasks are establishing pollution control standards, regulating the discharge of certain materials, issuing permits for the treatment or disposal of hazardous waste, monitoring air and water quality, administering the so-called "Superfund" for the cleanup of toxic waste sites, tracking the transport of hazardous compounds, registering insecticides and similar chemical treatments, and generally providing regulatory guidance to industry and other federal agencies. Although the EPA encourages voluntary compliance with federal environmental laws, it has authority to enforce regulations where violations occur. It maintains regional offices in 10 major U.S. cities in an effort to cooperate with state and local authorities in carrying out its mission.

20. **Exceptional Tennessee Waters** are surface waters designated by the Tennessee Department of Environment and Conservation as having the characteristics set forth at Tennessee Rules, Chapter 0400-40-03-.06(4). Characteristics include waters within parks or refuges; scenic rivers; waters with threatened or endangered species; waters that provide specialized recreational opportunities; waters within areas designated as lands unsuitable for mining; waters with naturally reproducing trout; waters with exceptional biological diversity and other waters with outstanding ecological or recreational value.

21. **Hot spot** means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants more than those typically found in stormwater. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas and restaurants.

22. **Improved sinkhole** is a natural surface depression that has been altered to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program of the Tennessee Department of Environment and Conservation. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures and crevices, such as those commonly associated with weathering of limestone. More information regarding an Underground Injection Control Permit can be found on TDEC's DWR webpage at https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/underground-injection-control-permit.html

23. **Land Disturbance** means any man-made changes to the land surface that potentially alters its runoff characteristics; includes but is not limited to: clearing, grading, or excavation.

24. **Level 1** - Fundamentals of Erosion Prevention and Sediment Control training and certification program administered by University of Tennessee Water Resources Research Center (https://tnepsc.org/index.asp).

25. **Level 2** - Design Principles for Erosion Prevention and Sediment Control for Construction Sites training and certification program administered by University of Tennessee Water Resources Research Center (https://tnepsc.org/index.asp).

26. **Linear Project** is a land disturbing activity as conducted by an underground/overhead utility or highway department, including, but not limited to, any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of residential and commercial subdivisions or high-rise structures is not considered a linear project.

27. **Low-Impact Development** refers to stormwater management measures that rely on infiltration, evapotranspiration, or capture/reuse of stormwater runoff. Such measures may include, but are not limited to, permeable pavers, rain gardens, bioswales, vegetated roofs, rainwater capture systems and/or a combination thereof.

28. **Monitoring** refers to tracking or measuring activities, progress, results, etc., and can refer to non-analytical monitoring for pollutants by means other than 40 C.F.R. § 136 (and other than state- or federally established protocols in the case of biological monitoring and assessments), such as visually or by qualitative tools that provide comparative values or rough estimates.

29. **Municipality** means any incorporated city or town, county, metropolitan or consolidated government, or special district of this state empowered to provide storm water facilities.

30. **Municipal Separate Storm Sewer System** means, according to 40 CFR 122.26(b)(8), a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.

    (i) Designed or used for collecting or conveying stormwater;
    (ii) Which is not a combined sewer; and
    (iii) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

31. **NPDES** or **NPDES Permit** refers to the National Pollutant Discharge Elimination System permit program that addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Created in 1972 by the Clean Water

Act, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program.

32. **Operator** means any person who owns, leases, operates, controls, or supervises a source. Including, but not limited to, an owner or operator of any "facility or activity" subject to regulation under the NPDES program.

33. **Permanent Stabilization** means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

    - A perennial, preferably native, vegetative cover with a uniform (i.e., evenly distributed, without large bare areas) density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion.

    - Equivalent permanent stabilization measures such as the use of riprap; permanent geotextiles; hardened surface materials including concrete, asphalt, gabion baskets or Reno mattresses have been employed.

    - For construction projects on land used for agricultural or silvicultural purposes, permanent stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.

34. **Point source** (or **Outfall**) means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non-point source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, forest lands or return flows from irrigated agriculture or agricultural stormwater runoff. In short, outfall is a point where runoff leaves the site as a concentrated flow in a discrete conveyance.

35. **Pollutant** means any type of industrial, municipal, and agricultural waste discharged into water. Examples are, but not limited to, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.

36. **Pollutants of concern** include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of a receiving waterbody.

37. **Priority construction** means those construction activities discharging directly into, or immediately upstream of, waters the state recognized as unavailable condition for siltation or Exceptional Tennessee Waters.

38. **Rainfall event** is defined as any occurrence of rain preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

39. **Registered Engineer and Registered Landscape Architect** refers to an engineer or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.

40. **Runoff coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is not absorbed by the surface to the total amount of water that falls during a rainstorm.

41. **Sediment** means solid material, both inorganic (mineral) and organic, that: is in suspension; is being transported; has been moved from the site of origin by wind, water, gravity or ice as a product of erosion.

42. **Sediment basin** is a temporary basin consisting of an embankment constructed across a wet weather conveyance, an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, impoundment, permanent pool, primary spillway, secondary or emergency spillway and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., waters with unavailable parameters, Exceptional TN Waters, or waters with available parameters).

43. **Sedimentation** is the deposition of soil particles that have been transported by water and wind. The quantity and size of the material transported increases with the velocity of the runoff. Sedimentation occurs when the water in which the soil particles are carried is sufficiently slowed for a long period of time to allow particles to settle out. Heavier particles, such as gravel and sand, settle out sooner than finer particles, such as clay. The length of time a particle stays in suspension increases as the particle size decreases. The colloidal clays stay in suspension for very long periods and contribute significantly to water turbidity.

44. **Significant Contributor** is defined as a source of pollutants where the volume, concentration, or mass of a pollutant in a stormwater discharge can cause or threaten to cause pollution, contamination, or nuisance that adversely impact human health or the environment and cause or contribute to a violation of any applicable water quality standards for receiving water.

45. **Soil** or **Topsoil** means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

46. **Steep Slope** or **Steep Grade** means a natural or created slope of 35% grade or greater.

47. **Stormwater** means rainfall runoff, snow melt runoff, and surface runoff and drainage.

48. **Stormwater control measure** or **SCM** means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.

49. **Stream**, as defined by TCA 69-3-103(38) "stream," means a surface water that is not a wet weather conveyance.

50. **Stormwater associated with industrial activity** is defined in 40 C.F.R. 122.26(b)(14) and incorporated here by reference. Most relevant to the Town is 40 C.F.R.

122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities, including borrow pits containing erodible material. Disturbance of soil for the purpose of crop production is exempt from NPDES permit requirements, but stormwater discharges from agriculture-related activities that involve construction of structures (e.g., barn construction, road construction, pond construction) are considered associated with industrial (construction) activity. Maintenance to the original line and grade, hydraulic capacity; or to the original purpose of the facility (e.g., re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair and repaving of an existing road) is not considered a construction activity.

51. **Stormwater Pollution Prevention Plan (SWPPP)** is a written site-specific plan required by the Tennessee Construction General Permit (CGP) that includes a narrative pollution prevention plan and graphical erosion and sediment control plan. In its basic form, the plan contains a site map, a description of construction activities that could introduce pollutants to stormwater runoff, a description of measures or practices to control these pollutants, and erosion and sediment control plans and specifications. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook (latest edition).

52. **Take of an endangered species** means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

53. **Tennessee Erosion and Sediment Control (TDESC) Handbook** is a guidance issued by the Division of Water Resources for the purpose of developing Stormwater Pollution Prevention Plans and Erosion and Sediment Control Plans required by the Construction General Permit CGP.

54. **Temporary stabilization** is achieved when vegetation or non-erodible surface has been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease.

55. **Treatment chemicals** are polymers, flocculants or other chemicals used to reduce turbidity in stormwater discharges by chemically bonding to suspended silts and other soil materials and causing them to bind together and settle out. Common examples of anionic treatment chemicals are **polyacrylamide-chitosan (PAM–CS)**.

56. **Turbidity** is the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, like smoke in air.

57. **Waste site** is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

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

59. **Waters with unavailable parameters** means any segment of surface waters that has been identified by the TDEC as failing to support one or more classified uses.

Unavailable parameters exist where water quality is at, or fails to meet, the levels specified in water quality criteria in Rule 0400-40-03-.03, even if caused by natural conditions. In the case of a criterion that is a single response variable or is derived from measurement of multiple response variables, the unavailable parameters shall be the agents causing water quality to be at or failing to meet the levels specified in criteria. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (https://tdeconline.tn.gov/dwr/), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of waters with unavailable parameters, can be found at https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html.

60. **One-week period** is a synonym of a calendar-week; typically, a period from Sunday through Saturday

61. **Water quality treatment volume (WQTV)** is a portion of the runoff generated from impervious surfaces at a new development or redevelopment project by the 1-year 24-hour design storm. The WQTV is further determined by the type of treatment provided.

62. **Wet weather conveyances** are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that meet the following:

    - The conveyance carries flow only in direct response to precipitation runoff in its immediate locality.
    - The conveyance's channels are always above the groundwater table.
    - The flow carried by the conveyance is not suitable for drinking water supplies.
    - Hydrological and biological analyses indicate that, due to naturally occurring ephemeral or low flow under normal weather conditions, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Tennessee Rules, Chapter 0400-40-3-.04(3)).

111-5. CONSTRUCTION STORMWATER MANAGEMENT

1. MS4 Stormwater Construction — Adoption of Material

a. The Town adopts as its MS4 stormwater construction BMP manual(s) the following publication(s), which is incorporated by reference in this ordinance as if fully set out herein:

   i. TDEC Guide to the Selection & Design of Stormwater Best Management Practices (BMPs) (most current edition)

   ii. TDEC Erosion and Sediment Control Handbook (most current edition)

b. The Town has adopted, for use in designing Stormwater Control Measures, construction design storm events. The construction design storm events adopted by the Town are as follows:

i. For discharges into waters with available parameters for siltation: 2-year, 24-hour storm

ii. For discharges into waters with unavailable parameters for siltation or exceptional Tennessee waters: 5-year, 24-hour storm

c. Requirements for design storm for all waters as well as special conditions for unavailable parameters waters or exceptional Tennessee waters must be consistent with those of the current Tennessee Construction General Permit (TNR100000).

2. Design Storm Requirements from CGP.

The municipality has adopted, for use in designing EPSC measures, the design storm requirements from the current Tennessee Construction General Permit for all waters as well as special conditions for unavailable parameters or Exceptional Tennessee Waters.

3. Construction Waste Control.

Construction site operators are required to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater.

4. Priority Construction

a. Priority in construction shall be, at a minimum, those construction activities discharging directly into, or immediately upstream of, waters the state recognized as unavailable condition for siltation or Exceptional Tennessee Waters.

b. Requirements for all priority construction activities must include preconstruction meetings with construction site operators for priority construction activities so as to limit pollutants of concern.

5. Land Development Permit

a. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications, and grading applications. These standards apply to qualifying new development or redevelopment sites.

b. Every person will be required to obtain a land disturbance permit from the Town in the following cases:

i. New development that involves land development activities of one (1) acre or more;

ii. Redevelopment that involves other land development activity of one (1) acre or more

c. Projects of less than one acre of total land disturbance may also be required to obtain authorization under this ordinance if:

i. the Town has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state

water quality standard; or is likely to be a significant contributor of pollutants to water of the state,

ii. changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;

iii. any new development or redevelopment, regardless of size, that is defined by the Town to be a hot spot land use; or

iv. the minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, (see "common plan of development" definition).

v. The creation and use of borrow pits, that are not permitted under the Tennessee Multi Sector Permit (TMSP), where material is excavated and relocated offsite, and fill sites where materials or earth is deposited by mechanized methods resulting in an increased elevation or grade.

vi. As determined by the Town for single or duplex residential lots of any size, lots that have karst features, adjoining lakes or streams, slopes exceeding fifteen percent (15%), floodplains or streams to cross are required to submit an erosion control and stormwater management plan. Depending on site specific conditions the requirement that the plan be developed by a qualified licensed professional engineer or landscape architect may be waived by the Town.

vii. Land disturbance activities in the Town's Flood Plain District (FPD) require a permit and shall provide evidence of obtaining appropriate licenses/permits that may be required by federal or state laws and regulations or written waiver from such permits and licenses prior to the issuance of a land disturbance permit by the Town.

viii. If unpermitted construction activity is on-going, the Town will issue an immediate stop-work order. If, in addition to the Town's permit, a TDEC permit was required but was not obtained, the violator will also be reported to TDEC.

6. <u>Land Disturbance/Grading/Stormwater Construction Permit.</u>

Persons seeking the issuance of any land disturbance or grading permits must provide both proof of coverage under the Tennessee Construction General Permit (CGP) (if applicable) and a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Town when requested.

a. Copies of additional applicable local, state or federal permits (i.e.: ARAP, approved hydrologic determination, etc.) must also be provided to the Town.

b. The Town has the authority to withhold local permits prior to receiving copies of the aforementioned permits.

c. In circumstances where no such permits have been required, the Town may still require a SWPPP as part of the land disturbance permit_application.

7. **Building Permit.**

No building permit shall be issued until the applicant has first obtained a land disturbance permit where required by this ordinance.

8. **EPSC and BMP Implementation.**

Construction site operators are required to implement appropriate erosion prevention and sediment control measures and best management practices to reduce stormwater discharges containing pollutants of concern. EPSC requirements shall meet the Tennessee's CGP design storm(s), be consistent with the TDEC ESC Handbook best management practices and with the requirements of this ordinance.

9. **Site Assessment Requirements.**

Where site assessments are required by the CGP, the operator shall provide a copy of the assessment to the Town.

10. **Inspector Requirements.**

Twice-Weekly inspections of the site and the BMP's/SCM's must be performed by an individual who has either received certification under the Level I Fundamentals of Erosion Prevention and Sediment Control course or has other credentials identified as equivalent within this ordinance.

11. **Landscaping and Stabilization Requirements.**

a. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be stabilized to prevent pollutants of concern. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

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

    ii. where construction activity on a portion of the site has temporarily ceased, and earth disturbing activities will be resumed within 14 days.

b. For steep slopes of 35% or more stabilization measures shall be initiated within 7 days.

c. Construction buffer zones shall be those water quality buffers, and buffer zones as defined in 111-4 above and shall meet the requirements in this ordinance and, where appropriate in the TN CGP. The criteria for the width of the construction buffer zone can be established on an average width basis at a project, if the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site

encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently. Water quality riparian buffer widths are measured from the top of bank also referred to as the "ordinary high-water mark." Construction buffers are not primary sediment control measures and shall not be relied on as such. Stormwater discharges must enter the water quality riparian buffer zone as sheet flow, not as concentrated flow, where site conditions allow. The designer/operator must comply with the vegetation requirements and the permissible land uses set forth for buffers in the TN CGP. Where it is not practicable to maintain a construction water quality riparian buffer, BMPs providing equivalent protection to a receiving stream as a natural water quality riparian buffer must be used.

d. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures such as properly anchored mulch, soil binders or matting must be employed.

12. Notice of Termination (NOT).

The operator shall provide the Town with a copy of the NOT when it is issued by TDEC.

13. As Built Plans (Record Drawings).

All applicants are required to submit actual as built plans certified by the design engineer for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A certification by the design engineer certifying that SCM's will function within original design parameters as constructed shall be included. A final inspection by the Town is required before any performance security or performance bond will be released. The Town shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's/SCM's have been made and accepted by the Town. No bonds or securities shall be released by the Town until the (stormwater manager) has accepted the as built plans. The warranty period for any infrastructure to be accepted by the Town for maintenance shall not commence until the Town has accepted the as built plans.

14. Equipment Manufacturer Startups.

No bonds or securities shall be released until any equipment to be maintained by the Town passes any specified manufacturer startup procedure. The warranty period shall not commence prior to the equipment passing any specified manufacturer startup procedure.

111-6. PERMANENT STORMWATER MANAGEMENT: DESIGN AND CONSTRUCTION INSPECTION

1) To comply with the Town's permanent stormwater standards for new development and redevelopment projects, design and install SCMs as established by Tennessee Rule 0400-40-10-.04 and comply with other requirements of Tennessee Rule 0400-40-10-.04. Note that for design purposes, total suspended solids (TSS) may be used as the indicator for the reduction of pollutants.

2) SCMs must be designed to provide full treatment capacity within 72 hours following the end of the preceding rain event for the life of the new development or redevelopment project. The designer may select from the most appropriate alternatives listed in the Town's BMP Manual.

3) Designs shall be based on the 24-hour design storm adopted by the Town:

   The Town has adopted, for use in designing water quality SCMs, the design storm requirements as established in Tennessee Rule 0400-40-10-.04. The Post Construction/Permanent water quality design storm is a 1-year, 24-hour storm event for water quality SCMs. See definition of Design Storm Event for the municipality's rainfall amounts for each return period interval. The Design Storm Events for the Town are: 1-yr., 2-yr., 5-yr., 10-yr., 25-yr., and 100-yr.

   The estimated design rainfall amounts, for any return period interval in terms of either depths or intensities for any duration, can be found by accessing the data available at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html.

111-7. DESIGN STANDARDS FOR DETENTION AND/OR RETENTION PONDS

1) The calculated peak flow rate of stormwater runoff resulting from a one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storm shall be no greater after development of the site than that which would result from a one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storm on the same site prior to development.

2) Adequate attention must be given to safety and sanitation in the design of any detention facility. This includes, but is not limited to, a minimum of two percent slope in the bottom of all detention ponds, a minimum of 2.5:1 (H:V) side slopes or with traversable access to the pond's vegetated bottom and side slopes for maintenance, proposed contours should reflect 15 percent additional area for each two-foot contour of the detention or retention pond based on the appropriately sized pond for the one-, two-, five-, ten-, 25-, and 100-year storms, a minimum of 4,500 cubic feet of storage volume, and a minimum of one foot of freeboard from the highest water surface elevation for the largest required design storm to the top of the berm before the 15 percent additional volume is added. First-flush volume and treatment shall be provided as described in the BMP manual.

3) The plans shall include sufficient design information to show that the facility will operate as required. This shall include the existing (or before site development) peak flow discharges, the after-site development peak flow discharges, and/or volumes of stormwater runoff based on the proposed site development, as well as all necessary computations used to determine the reduced peak flow rates for the design storms. The capacity of the facility shall be sufficient to control the volume of stormwater runoff resulting from one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storms within the peak rate of flow requirements stated in this subsection.

4) Discharge from the stormwater detention pond shall be routed to a ditch, channel, or stormwater facility of adequate capacity. Calculations showing the capacity of the receiving stormwater facility and its capability to convey a ten-year frequency storm shall be provided. If the receiving stormwater facility is incapable of conveying a ten-year frequency storm, calculations showing the capacity of the receiving stormwater facility and its capability to

convey a two-year frequency storm shall also be provided. The above calculations will be routed to the closer of the second existing street crossing or blue-line stream. If energy dissipation is required, calculations must be submitted to confirm that proposed energy dissipation is adequate for the design. Such dissipation structures must be located outside any buffer area and a sufficient distance from adjacent property to prevent any adverse impact, such as erosion and scouring, to those adjacent properties, buffers, or receiving drainage way.

5) The town administrator has authority to condition the approval of a permit upon the compliance with additional requirements, including, but not limited to, correctly sizing and installing offsite conveyance facilities or other stormwater management solutions required to reduce the adverse impact of the proposed development on other properties or the development.

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

111-8. REQUIREMENTS FOR LOW-IMPACT DEVELOPMENT

Stormwater management addresses the conveyance and treatment of rainfall and other water entering a site. Low Impact Development (LID) is a specific development strategy to address stormwater in a way that closely mimics the natural, pre-development hydrologic system. At least 25 percent of the development's total area shall be designed so that its runoff will be accommodated through Low Impact Development (LID) measures. Measures shall be demonstrated on the drainage plan and in the drainage calculations for the development and the applicable LID measures specified as part of the site and landscape plan submittals.

Refer to Town of Farragut Code of Ordinances - Appendix D – Architectural Design Standards, Sections 1.34-37 "Stormwater Management and Low-Impact Development" for Site Design Guidelines.

111-9. REQUIREMENTS FOR DEVELOPMENTS DRAINING TO A SINKHOLE

1) Development on property where the proposed work encroaches the highest closed contour elevation of a sinkhole will require copies of the appropriate permits from the state department of environment and conservation (TDEC) prior to site development approval. After reviewing the state permit, the town administrator may require additional information related to structural integrity and flood protection. If the proposed development does not require TDEC approval, a letter from TDEC obtained by the applicant shall be submitted to the town prior to the issuance of a permit, stating that a TDEC permit is not required.

2) For development or redevelopment projects requiring attenuation or retention of the one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storms with sinkholes entirely on site, calculations shall be provided showing that 100-year 24-hour design storm will not flood any structures assuming plugged conditions (zero cubic feet per second (0 cfs) outflow) for the sinkhole. These calculations must include the entire contributing watershed for the sinkhole. An easement is required around the sinkhole to include an area that is a minimum of five feet horizontally outside the highest closed contour elevation.

3) For development or redevelopment projects requiring attenuation or retention of the one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storms with sinkholes partially on site, calculations must be provided showing that there will not be a rise in water surface elevations between the 100-year pre-developed and the 100-year post-developed 24-hour design storm assuming plugged conditions (zero cubic feet per second (0 cfs) outflow) for the sinkhole. An easement is required at a minimum of five feet horizontally outside the highest closed contour elevation on the section of the sinkhole located on the developed property. A rise in the 100-year water surface elevation is allowable when no structures will be flooded and all parties with ownership of the sinkhole agree in writing to allow the rise. In this case, an easement is required around the sinkhole to include an area that is a minimum of five feet horizontally outside the highest closed contour elevation.

111-10. DRAINPIPES

Material for pipes used for conveyance of stormwater within the town shall be in accordance with the following:

1) Cross drains and any other pipe under the pavement surfaces shall be reinforced concrete pipe (RCP). Storm drains within the roadway prism, but not under the pavement, shall also be RCP.

2) Any pipe, culvert, or drainage system dedicated to the town, whether inside or outside the right-of-way, shall be constructed of RCP.

3) RCP is required if the failure of the pipe would cause flooding or potential property damage on adjacent properties. RCP is required for all storm pipes and culverts that carry through water from adjacent properties ("off-site water").

4) RCP is required for all detention basin outlet structures.

5) Material for driveway pipes may be RCP, corrugated metal pipe (CMP), or double-walled high-density-polyethylene-pipe (HDPE) as desired by the responsible agency, corporation, or individual. RCP is required underneath any driveways or entrances that are heavily traveled or which would have the potential to flood areas within the public right-of-way or any structure.

6) Double-walled HDPE pipe and CMP may be used to convey stormwater generated on the particular property (on-site drainage), such as parking lots, buildings, etc. Both pipe materials (HDPE and CMP) may be used to convey water under driveways in locations where a pipe is outside the roadway prism, has adequate cover, and would not cause flooding of adjacent properties or rights-of-way in the event of pipe failure.

7) Installation of all pipes must be done with adequate pipe bedding, backfill material, and coupling bands as recommended by the pipe manufacturer.

8) All pipes, regardless of their material, shall be a minimum of 18 inches in diameter, with the exception of those pipes under greenways or trails, which shall be a minimum of 12 inches in diameter.

111-11. WATER QUALITY RIPARIAN BUFFERS

1) **Post Construction/Permanent Water Quality Riparian Buffers.**

Post Construction/Permanent Water Quality Riparian Buffers shall be those buffers defined in 111-4 above and shall meet the requirements described in this ordinance. The criteria for the width of the post construction/permanent buffer zone can be established on an average width basis at a project, if the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently. Water quality riparian buffer widths are measured from the top of bank also referred to as the "ordinary high-water mark." Stormwater discharges should enter the post construction/permanent water quality riparian buffer as sheet flow, not as concentrated flow, where site conditions allow.

All final plats and site plans shall:

a) Show the extent of any water quality riparian buffer on the subject property and be labeled as "water quality riparian buffer";

b) Provide a note to reference any water quality riparian buffer stating, "There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation except as permitted by the Town";

c) Provide a note to reference any protective covenants governing all water quality riparian buffers.

2) **Available Parameters.**

Post Construction/Permanent buffers for waters with available parameters for siltation or habitat alteration or unassessed waters:

a. Average buffer width: 30 feet.
b. Minimum buffer width: 15 feet

3) **Unavailable Parameters.**

Post Construction/Permanent buffers for Exceptional Tennessee Waters or waters with unavailable parameters for siltation or habitat alteration:

a. Average buffer width: 60 feet.
b. Minimum buffer width: 30 feet

4) **Vegetative Requirements**

a) The vegetative target is a mature strip of undisturbed native vegetation (either original or re-established) that can provide erosion control to the stream, leaf litter, and wood debris. This area shall be measured perpendicular from the edge, adjacent to streams, delineated wetlands, and springs. If streams, wetlands, or springs do not have an established water quality riparian buffer, then a planting plan shall be required. Such a planting plan shall be submitted to town staff for approval and comply with the following:

b) All planting plans shall be drawn at a scale of not less than one-inch equals 20 feet for small tracts and one-inch equals 50 feet for large tracts when the plans are printed on 24-inch by 36-inch sheets;

c) All plans must be submitted electronically in portable document format (PDF).

d) The planting plan shall include a "plant schedule", which lists the number and common and botanical name of all existing and proposed plantings. The "plant schedule" shall also list the height, spread, and where applicable, the caliper of all new plantings at the time of planting.

e) Establishment of a water quality riparian buffer must adhere to the following conditions and shown on the planting plan:

   i) Stream banks must be planted with native vegetation that represent both woody (trees and shrubs) and herbaceous species as determined by a landscape architect. Density shall depend on the re-vegetation technique to be used and existing site conditions;

   ii) No trees shall be planted in a utility district easement;

   iii) No species may comprise more than one-third of the total planted trees or shrubs;

   iv) Seedling/trees must be guaranteed at a 75 percent survivorship; and

   v) Invasive species must be removed and managed.

5) Management and Maintenance of Water Quality Riparian Buffers

a) Management of water quality riparian buffers include specific limitation on alteration of the natural conditions. The following practices and activities are restricted within the water quality riparian buffer, except with prior approval from the Town:

   i) Clearing or grubbing of existing vegetation; and

   ii) Use, storage, and application of pesticides, herbicides, and fertilizers.

b) The following structures, practices, and activities are permitted in the aquatic buffer subject to prior approval by the town and the following specific design or maintenance features:

   i) Crossings, provided the following criteria are followed:
      a. The width should be the minimum width needed to allow for maintenance access and installation;
      b. The crossing shall be at an angle that minimizes clearing requirements; and
      c. The minimum number of crossings should be used within each development.

   ii) Paths, provided the design and location are approved by the town.

   iii) Utilities, provided the following criteria are followed:

      a. The width should be the minimum width needed to allow for maintenance access and installation; and
      b. The crossing should be at an angle that minimizes clearing requirements.

c) Individual trees within the water quality riparian buffer may be removed if in danger of falling, causing damage to dwellings or other structures, causing blockage of the stream, standing in the path of a proposed water or sewer main, or the roots of the tree

are penetrating or in danger of penetrating a sewer line at a joint or pipe connection. The root wad or stump should be left in place, where feasible, to maintain soil stability.

d) All water quality riparian buffers must be protected during development activities. Prior to the initiation of development activities, ensure adequate visibility of the water quality riparian buffer by staking, flagging, or fencing. Permanent boundary markers, in the form of signage approved by the Town, may be required to be installed prior to the recording of the final plat, the issuance of a certificate of occupancy, or the issuance of a certificate of completion.

e) Water quality riparian buffers shall be left in a stabilized condition upon completion of the development. The vegetative condition of the entire aquatic buffer must be monitored, and landscaping or stabilization performed to repair erosion, damaged vegetation, or other problems identified. Invasive species must be removed and managed. Only native vegetation may be used in conjunction with stabilization activities. Property owners shall remain responsible for maintaining the water quality riparian buffer. Where any tree or shrub, which was required as part of an approved planting plan, is removed, such tree or shrub shall be replaced with an equivalent tree or shrub approved by town staff.

f) All landscaping or stabilization activities within the water quality riparian buffer must have prior approval by the Town. In addition, performing work in and around waters of the state may require coverage under a state and possibly a federal permit.

111-12. PERMANENT SCM MAINTENANCE AND INSPECTION

(1) As Built Plans.

All applicants are required to submit actual as built plans for any structures located on-site within 90 days after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by either a registered professional engineer or landscape architect licensed to practice in Tennessee. A sealed certification by the design engineer that all SCM's will function within design parameters as constructed shall accompany the as built plans. A final inspection by the Town is required before any performance security or performance bond will be released.

The Town shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all stormwater management facilities have been made and accepted by the Town.

(2) Permanent Stormwater Management Plan.

In addition to the certified as built drawings, the Town shall be provided with a permanent stormwater management plan for the site and all stormwater management facilities (e.g., SCM's). Occupation permits shall not be granted until the permanent stormwater management plan has been approved and accepted by the Town.

(3) Inspection of Stormwater Management Facilities.

Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in 111-13(1)b.ii.

(4) Records of Installation and Maintenance Activities.

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

(5) Failure to Meet or Maintain Design or Maintenance Standards.

If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the Town, after notice as specified in the Enforcement Response Plan, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. If the stormwater management facility becomes a danger to public safety or public health, the Town shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. If corrective action is not undertaken within that time, the Town may take the necessary corrective action. The cost of any action by the Town under this section shall be charged to the responsible party.

(6) Danger to Public Health/Public Safety.

If the stormwater management facility becomes_a danger to public safety or public health, the Town may take such immediate corrective action as deemed necessary.

111-13. PERMANENT SCMs: NEW DEVELOPMENT, EXISTING LOCATIONS, AND ONGOING DEVELOPMENTS

(1) On-Site Stormwater Management Facilities Inspection and Maintenance Agreement

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

The required maintenance agreement form is available through the Town's Engineering Department.

b. The maintenance agreement shall:

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

ii. Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (3) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners will arrange for this inspection to be conducted by individual(s) approved by the Town who will submit a signed written report of the inspection to the Town. It shall also grant permission to the Town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

iii. Provide that the minimum maintenance and repair needs to include, but are not limited to:

1) the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needed to meet the intended design specification of the stormwater facility.

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

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

(2) <u>Existing Problem Locations – No Maintenance Agreement</u>

a. The Town shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing SCM's that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as non-compliant discharges.

b. Inspection of existing facilities. The Town may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause

violations of the Town's NPDES MS4 stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other SCM's.

(3) Owner/Operator Inspections.

The owners and/or operators of the SCMs shall:

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

b. Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five years, at a minimum. Such inspections must be conducted by individual(s) approved by the Town. Complete inspection reports for these five-year inspections shall include:

   i. Facility type,

   ii. Inspection date,

   iii. Latitude and longitude and nearest street address,

   iv. BMP owner information (e.g. name, address, phone number, fax, and email),

   v. A description of BMP condition including:

      vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,

   vi. Photographic documentation of BMP's, and

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

c. Owners or operators shall maintain documentation of these inspections. The Town may require submittal of this documentation.

(4) Requirements for All Existing Locations and Ongoing Developments.

The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this ordinance:

a. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP Manual and on a schedule acceptable to the Town.

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

c. Drainage ways shall be appropriately stabilized.

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

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

   i. Ponds

      1. Detention pond

      2. Extended detention pond

      3. Wet pond

      4. Alternative storage measures

   ii. Constructed wetlands

   iii. Infiltration systems

      1. Infiltration/percolation trench

      2. Infiltration basin

      3. Drainage/recharge well

      4. Porous pavement

   iv. Filtering systems

      1. Media Filter

      2. Sand filter

      3. Filter/absorption bed

      4. Filter and buffer strips

   v. Open channel

      1. Swale

(5) <u>Corrections of Problems Subject to Appeal.</u>

Corrective measures imposed by the Town under this section are subject to appeal under section 111-16 of this chapter.

111-14. ILLICIT DISCHARGES

This section shall apply to all water generated on developed or undeveloped land entering the Town's separate storm sewer system.

(1) <u>Prohibition of Illicit Discharges.</u>

No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. No person shall allow discharges that flow from a stormwater facility that is not inspected in accordance with section 111-13(1)b.ii.. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

a. Water line flushing

b. Landscape irrigation

c. Diverted stream flows

d. Rising ground waters

e. Uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)

f. Uncontaminated pumped ground water

g. Discharges from potable water sources

h. Air conditioning condensation

i. Irrigation water

j. Springs

k. Water from crawl space pumps

l. Footing (foundation)drains

m. Lawn watering

n. Individual residential car washing

o. Flows from riparian habitats and wetlands

p. Dechlorinated swimming pool discharges

q. Street wash water with no soaps or solvents

r. Discharges or flows from firefighting activities

Unless the Town determines they are significant contributors of pollutants to the MS4.

(2) <u>Prohibition of Illicit Connections.</u>

The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition expressly includes SCM's connected to the system not properly inspected and maintained in accordance with this ordinance.

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

(3) Notification of Spills.

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

(4) No Illegal Dumping Allowed.

No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the Town; such illegal activity exposes runoff to contamination, generating an illicit discharge. Therefore, any individual or corporation guilty of illegal dumping may have committed a violation of this ordinance.

111-15. ENFORCEMENT

(1) Enforcement Authority.

The Town shall have the authority to issue notices of violation and citations, and to impose civil penalties to anyone that violates 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 Town. The Town's enforcement authority includes (as set forth in the Town's Enforcement Response Plan (ERP)):

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

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

(c) Citations with Administrative & Civil Penalties – The Town has the authority to assess monetary penalties, which may include civil and administrative penalties.

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

(e) Withholding Plans, Permits, and Authorizations – Where a facility is in noncompliance, the Town own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

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

(2) **Notification of Violation.**

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

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

(c) Consent orders — The Town is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance; such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

(d) Show cause hearing — The Town may order any person who violates this chapter or permit, or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served to the person specifying the time and place for the meeting, the proposed enforcement action and the reasons

for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

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

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

(i) Comply forthwith; or

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

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

(h) Conflicting standards — Whenever there is a conflict between any standard contained in this chapter and in the BMP manual(s) adopted by the Town under this ordinance, the strictest standard shall prevail.

111-16. PENALTIES

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 Town, shall be guilty of a civil offense.

(1) **Penalties**

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

(2) **Measuring Civil Penalties**

In assessing a civil penalty, the Town shall consider:

(a) The harm done to the public health or the environment;

(b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(c) The economic benefit gained by the violator;

(d) The amount of effort put forth by the violator to remedy this violation;

(e) Any unusual or extraordinary enforcement costs incurred by the City; The amount of penalty established by ordinance or resolution for specific categories of violations; and

(f) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(3) **Recovery of Damages and Costs**

In addition to the civil penalty in the subsection above [111-16. (1)], the Town may recover:

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

(b) The costs of the Town's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(4) **Referral to TDEC**

In accordance with the Town's Enforcement Response Plan and the NPDES Permit requirements, the Town may also notify TDEC of violations.

(5) **Other Remedies**

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

(6) **Remedies Cumulative**

The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

111-17. 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 Town's governing body.

(1) Appeals to be in Writing

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

(2) Public Hearing

Upon receipt of an appeal, the Town's governing body, or other appeals board established by the Town'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 Town shall be final.

(3) Appealing Decisions of the Town's Governing Body

Any alleged violator may appeal against a decision of the Town's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.

RESOLUTION PC-24-03

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO RECOMMEND APPROVAL OF AN ORDINANCE TO DELETE CHAPTER 103-AQUATIC BUFFERS, OF THE CODE OF ORDINANCES OF THE TOWN OF FARRAGUT, AND TO REPLACE CHAPTER 111-STORMWATER MANAGEMENT CONTROL, WITH A NEW ORDINANCE THAT WILL ALSO INCLUDE AQUATIC BUFFER PROVISIONS FROM THE DELETED CHAPTER 103

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission and/or the Farragut Board of Mayor and Aldermen has adopted various regulatory measures to more fully implement said general plan; and

WHEREAS, a public hearing was held on this request on May 16, 2024;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of Ordinance 24-07, an ordinance to delete Chapter 103-Aquatic Buffers, and replace Chapter 111-Stormwater Management Control, of the Code of Ordinances of the Town of Farragut.

ADOPTED this 16th day of May 2024.

_____

Scott Russ, Chairman

_____

Shannon Preston, Secretary

ORDINANCE:	**24-07**
PREPARED BY:	**Smith**
REQUESTED BY:	**Staff, Town of Farragut**
CERTIFIED BY FMPC:	**May 16, 2024**
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF FARRAGUT TENNESSEE, PURSUANT TO AUTHORITY GRANTED BY SECTION 6-2-201, TENNESSEE CODE ANNOTATED, BY DELETING CHAPTER 103-AQUATIC BUFFERS, AND REPLACING CHAPTER 111-STORMWATER MANAGEMENT CONTROL, IN ITS ENTIRETY WITH A NEW ORDINANCE THAT WILL ALSO INCLUDE AQUATIC BUFFER PROVISIONS FROM THE DELETED CHAPTER 103

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Code of Ordinances of the Town of Farragut, by deleting Chapter 103-Aquatic Buffers, and replacing Chapter 111-Stormwater Management Control, in its entirety with a new Stormwater Management Control Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that Chapter 103-Aquatic Buffers of the Code of Ordinances of the Town of Farragut, is deleted and Chapter 111-Stormwater Management Control, is hereby amended as follows:

SECTION 1.

The existing Code of Ordinances of the Town of Farragut, Chapter 111-Stormwater Management Control, is amended by deleting it in its entirety and substituting in lieu thereof the following:

111-1. **LEGAL AUTHORITY**

Under the authority of the Federal Water Pollution Control Act of 1977 (known as the Clean Water Act), the United States Environmental Protection Agency (EPA) is specifically required to develop and oversee the National Pollutant Discharge Elimination System (NPDES) permit program which requires all communities operating a small municipal separate storm sewer system (MS4) to regulate the discharge of pollutants to the waters of the state. Under the authority of the Tennessee Water Quality Control Act of 1977 the Tennessee Department of Environment and Conservation (TDEC) has interpreted that this mandate includes the regulation

of aquatic buffers. The Legislature of the State of Tennessee has in *Tennessee Code Annotated,* § 6-2-201, delegated the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

111-2. SCOPE OF AUTHORITY

Any person, firm, corporation, business or any other entity proposing to develop land or improve property within the Town of Farragut is subject to the provisions of this ordinance. This ordinance also applies to individual building structures, subdivisions, excavations and fill operations, and similar activities. The Scope of Authority extends to additional improvements on projects, developments, subdivisions, etc. which were previously permitted and/or constructed under the authority of prior ordinances or guidelines. This chapter shall apply to all water generated on developed or undeveloped land entering the town's separate storm sewer system.

111-3. GENERAL PROVISIONS

(1) Purpose

It is the purpose of this chapter to:

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

b. Enable the Town of Farragut to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122 as applicable for stormwater discharges;

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

   i. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the Town of Farragut, whether owned and operated by the City;

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

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

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

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

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

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

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

(2) Administering entity

The Town of Farragut shall administer the provisions of this chapter.

(3) Stormwater management ordinance

The intended purpose of this ordinance is to safeguard property and public welfare by regulating stormwater drainage and requiring temporary and permanent provisions for its control. It should be used as a planning and engineering tool for permit compliance and to facilitate the necessary control of stormwater.

111-4. DEFINITIONS

For this chapter, the following definitions shall apply:

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

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

2. **Analytical monitoring** - Test Procedures for the Analysis of Pollutants - Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304 (h) of the Clean Water Act (the "Act"), as amended, under which such procedures may be required. Pollutant parameters shall be determined using sufficiently sensitive methods in Title 40 C.F.R. § 136, as amended, and promulgated pursuant to Section 304

(h) of the Act. The chosen methods must be sufficiently sensitive as required in state rule 0400-40-03-.05(8).

3. **Aquatic Resource Alteration Permit (ARAP)** physical alterations to properties of the waters of the state require an ARAP or a §401 Water Quality Certification (§401 certification). ARAP means a permit issued pursuant to T.C.A. § 69-3-108 of the Act, which authorizes the alteration of properties of waters of the state that result from activities other than discharges of wastewater through a pipe, ditch, or other conveyance.

4. **As built plans (record drawings)** mean drawings depicting conditions as they were actually constructed.

5. **Best Management Practices ("BMPs")** 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 state. BMPs also include treatment requirements, operating procedures; and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage. BMPs include source control practices (non-structural BMPs) and engineered structures designed to treat runoff.

    - Structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site.

    - Non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.

6. **BMP Manual** provides technical guidance including additional policies, criteria, standards, specifications, constants, and information for the proper implementation of the requirements of the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR § 122 as applicable for stormwater discharges.

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

8. **Buffer Zone or Water Quality Riparian Buffer** is a permanent strip of natural perennial vegetation, adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing risk of any potential sediments, nutrients or other pollutants reaching adjacent surface waters and to further prevent negative water quality impacts by providing canopy over adjacent waters.

9. **Channel** means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

10. **Clearing** refers to removal of vegetation and disturbance of soil prior to grading or excavation in anticipation of construction activities. Clearing may also refer to wide area land disturbance in anticipation of non-construction activities. Clearing, grading, and excavation do not refer to clearing of vegetation along existing or new roadways, highways, dams, or power lines for sight distance or other maintenance and/or safety

concerns, or cold planing, milling, and/or removal of concrete and/or bituminous asphalt roadway pavement surfaces. The clearing of land for agricultural purposes is exempt from federal stormwater NPDES permitting in accordance with Section 401(1)(1) of the 1987 Water Quality Act and state stormwater NPDES permitting in accordance with the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.).

11. **Commencement of construction** means the initial disturbance of soils associated with clearing, grading, excavating or other construction activities.

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

13. **Construction Stormwater discharge-related activities** means activities that cause, contribute to, or result in point source stormwater pollutant discharges. These activities may include excavation, site development, grading and other surface disturbance activities; activities to control stormwater including the siting, construction, and operation of best management practices (BMPs).

14. **Control measure** refers to any Best Management Practice (BMP) or other method used to prevent or reduce the discharge of pollutants to waters of the state.

15. **Clean Water Act or CWA** means the Clean Water Act of 1977 or the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq. (1972), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

16. **Design storm** is a storm event as defined by Precipitation-Frequency Atlas of the United States. Atlas 14. Volume 2. Version 3.0. U.S. Department of Commerce. National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Springs, Maryland or its digital product equivalent. The estimated design rainfall amounts, for any return period interval (i.e., 1-yr, 2-yr, 5-yr, 25-yr, etc.) in terms of either depths or intensities for any duration, can be found by accessing the data available at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html.

    The Design Storm Events for the Town are: 1-yr., 2-yr., 5-yr., 10-yr., 25-yr., and 100-yr.

17. **Discharge or discharge of a pollutant** refers to the addition of pollutants to waters from a source.

18. **Ecoregion** is a relatively homogeneous area defined by similarity of climate, landform, soil, potential natural vegetation, hydrology, or other ecologically relevant variables. Ecoregions can be determined for specific stream segments by using Tennessee's Online Water Quality Assessment Data viewer http://tdeconline.tn.gov/dwr.

19. **Environmental Protection Agency** is independent agency in the executive branch charged with controlling and abating environmental pollution. The EPA maintains separate programs dealing with air and radiation, water, solid waste, and pesticides and toxic substances. Among the agency's principal tasks are establishing pollution control standards, regulating the discharge of certain materials, issuing permits for the treatment or disposal of hazardous waste, monitoring air and water quality, administering the so-called "Superfund" for the cleanup of toxic waste sites, tracking the transport of hazardous compounds, registering insecticides and similar chemical treatments, and generally providing regulatory guidance to industry and other federal agencies. Although the EPA encourages voluntary compliance with federal environmental laws, it has authority to enforce regulations where violations occur. It maintains regional offices in 10 major U.S. cities in an effort to cooperate with state and local authorities in carrying out its mission.

20. **Exceptional Tennessee Waters** are surface waters designated by the Tennessee Department of Environment and Conservation as having the characteristics set forth at Tennessee Rules, Chapter 0400-40-03-.06(4). Characteristics include waters within parks or refuges; scenic rivers; waters with threatened or endangered species; waters that provide specialized recreational opportunities; waters within areas designated as lands unsuitable for mining; waters with naturally reproducing trout; waters with exceptional biological diversity and other waters with outstanding ecological or recreational value.

21. **Hot spot** means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants more than those typically found in stormwater. Examples might include operations producing concrete or asphalt, auto repair shops, auto supply shops, large commercial parking areas and restaurants.

22. **Improved sinkhole** is a natural surface depression that has been altered to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under the Underground Injection Control (UIC) program of the Tennessee Department of Environment and Conservation. Underground injection constitutes an intentional disposal of waste waters in natural depressions, open fractures and crevices, such as those commonly associated with weathering of limestone. More information regarding an Underground Injection Control Permit can be found on TDEC's DWR webpage at https://www.tn.gov/content/tn/environment/permit-permits/water-permits1/underground-injection-control-permit.html

23. **Land Disturbance** means any man-made changes to the land surface that potentially alters its runoff characteristics; includes but is not limited to: clearing, grading, or excavation.

24. **Level 1** - Fundamentals of Erosion Prevention and Sediment Control training and certification program administered by University of Tennessee Water Resources Research Center (https://tnepsc.org/index.asp).

25. **Level 2** - Design Principles for Erosion Prevention and Sediment Control for Construction Sites training and certification program administered by University of Tennessee Water Resources Research Center (https://tnepsc.org/index.asp).

26. **Linear Project** is a land disturbing activity as conducted by an underground/overhead utility or highway department, including, but not limited to, any cable line or wire for the transmission of electrical energy; any conveyance pipeline for transportation of gaseous or liquid substance; any cable line or wire for communications; or any other energy resource transmission ROW or utility infrastructure, e.g., roads and highways. Activities include the construction and installation of these utilities within a corridor. Linear project activities also include the construction of access roads, staging areas and borrow/spoil sites associated with the linear project. Land disturbance specific to the development of residential and commercial subdivisions or high-rise structures is not considered a linear project.

27. **Low-Impact Development** refers to stormwater management measures that rely on infiltration, evapotranspiration, or capture/reuse of stormwater runoff. Such measures may include, but are not limited to, permeable pavers, rain gardens, bioswales, vegetated roofs, rainwater capture systems and/or a combination thereof.

28. **Monitoring** refers to tracking or measuring activities, progress, results, etc., and can refer to non-analytical monitoring for pollutants by means other than 40 C.F.R. § 136 (and other than state- or federally established protocols in the case of biological monitoring and assessments), such as visually or by qualitative tools that provide comparative values or rough estimates.

29. **Municipality** means any incorporated city or town, county, metropolitan or consolidated government, or special district of this state empowered to provide storm water facilities.

30. **Municipal Separate Storm Sewer System** means, according to 40 CFR 122.26(b)(8), a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.

    (i) Designed or used for collecting or conveying stormwater;
    (ii) Which is not a combined sewer; and
    (iii) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

31. **NPDES** or **NPDES Permit** refers to the National Pollutant Discharge Elimination System permit program that addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Created in 1972 by the Clean Water Act, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program.
32. **Operator** means any person who owns, leases, operates, controls, or supervises a source. Including, but not limited to, an owner or operator of any "facility or activity" subject to regulation under the NPDES program.

33. **Permanent Stabilization** means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

    - A perennial, preferably native, vegetative cover with a uniform (i.e., evenly distributed, without large bare areas) density of at least 70 percent has been established on all unpaved areas and areas not covered by permanent structures, and all slopes and channels have been permanently stabilized against erosion.
    - Equivalent permanent stabilization measures such as the use of riprap; permanent geotextiles; hardened surface materials including concrete, asphalt, gabion baskets or Reno mattresses have been employed.
    - For construction projects on land used for agricultural or silvicultural purposes, permanent stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural or silvicultural use.

34. **Point source** (or **Outfall**) means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non-point source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, forest lands or return flows from irrigated agriculture or agricultural stormwater runoff. In short, outfall is a point where runoff leaves the site as a concentrated flow in a discrete conveyance.

35. **Pollutant** means any type of industrial, municipal, and agricultural waste discharged into water. Examples are, but not limited to, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste.

36. **Pollutants of concern** include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of a receiving waterbody.

37. **Priority construction** means those construction activities discharging directly into, or immediately upstream of, waters the state recognized as unavailable condition for siltation or Exceptional Tennessee Waters.

38. **Rainfall event** is defined as any occurrence of rain preceded by 10 hours without precipitation that results in an accumulation of 0.01 inches or more. Instances of rainfall occurring within 10 hours of each other will be considered a single rainfall event.

39. **Registered Engineer and Registered Landscape Architect** refers to an engineer or landscape architect certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.

40. **Runoff coefficient** means the fraction of total rainfall that will appear at the conveyance as runoff. Runoff coefficient is also defined as the ratio of the amount of water that is not absorbed by the surface to the total amount of water that falls during a rainstorm.

41. **Sediment** means solid material, both inorganic (mineral) and organic, that: is in suspension; is being transported; has been moved from the site of origin by wind, water, gravity or ice as a product of erosion.

42. **Sediment basin** is a temporary basin consisting of an embankment constructed across a wet weather conveyance, an excavation that creates a basin or by a combination of both. A sediment basin typically consists of a forebay cell, impoundment, permanent pool, primary spillway, secondary or emergency spillway and surface dewatering device. The size and shape of the basin depends on the location, size of drainage area, incoming runoff volume and peak flow, soil type and particle size, land cover, and receiving stream classification (i.e., waters with unavailable parameters, Exceptional TN Waters, or waters with available parameters).

43. **Sedimentation** is the deposition of soil particles that have been transported by water and wind. The quantity and size of the material transported increases with the velocity of the runoff. Sedimentation occurs when the water in which the soil particles are carried is sufficiently slowed for a long period of time to allow particles to settle out. Heavier particles, such as gravel and sand, settle out sooner than finer particles, such as clay. The length of time a particle stays in suspension increases as the particle size decreases. The colloidal clays stay in suspension for very long periods and contribute significantly to water turbidity.

44. **Significant Contributor** is defined as a source of pollutants where the volume, concentration, or mass of a pollutant in a stormwater discharge can cause or threaten to cause pollution, contamination, or nuisance that adversely impact human health or the environment and cause or contribute to a violation of any applicable water quality standards for receiving water.

45. **Soil** or **Topsoil** means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

46. **Steep Slope** or **Steep Grade** means a natural or created slope of 35% grade or greater.

47. **Stormwater** means rainfall runoff, snow melt runoff, and surface runoff and drainage.

48. **Stormwater control measure** or **SCM** means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.

49. **Stream**, as defined by TCA 69-3-103(38) "stream," means a surface water that is not a wet weather conveyance.

50. **Stormwater associated with industrial activity** is defined in 40 C.F.R. 122.26(b)(14) and incorporated here by reference. Most relevant to the Town is 40 C.F.R. 122.26(b)(14)(x), which relates to construction activity including clearing, grading, filling and excavation activities, including borrow pits containing erodible material. Disturbance of soil for the purpose of crop production is exempt from NPDES permit

requirements, but stormwater discharges from agriculture-related activities that involve construction of structures (e.g., barn construction, road construction, pond construction) are considered associated with industrial (construction) activity. Maintenance to the original line and grade, hydraulic capacity; or to the original purpose of the facility (e.g., re-clearing, minor excavation performed around an existing structure necessary for maintenance or repair and repaving of an existing road) is not considered a construction activity.

51. **Stormwater Pollution Prevention Plan (SWPPP)** is a written site-specific plan required by the Tennessee Construction General Permit (CGP) that includes a narrative pollution prevention plan and graphical erosion and sediment control plan. In its basic form, the plan contains a site map, a description of construction activities that could introduce pollutants to stormwater runoff, a description of measures or practices to control these pollutants, and erosion and sediment control plans and specifications. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook (latest edition).

52. **Take of an endangered species** means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct.

53. **Tennessee Erosion and Sediment Control (TDESC) Handbook** is a guidance issued by the Division of Water Resources for the purpose of developing Stormwater Pollution Prevention Plans and Erosion and Sediment Control Plans required by the Construction General Permit CGP.

54. **Temporary stabilization** is achieved when vegetation or non-erodible surface has been established on the area of disturbance and construction activity has temporarily ceased. Under certain conditions, temporary stabilization is required when construction activities temporarily cease.

55. **Treatment chemicals** are polymers, flocculants or other chemicals used to reduce turbidity in stormwater discharges by chemically bonding to suspended silts and other soil materials and causing them to bind together and settle out. Common examples of anionic treatment chemicals are **polyacrylamide-chitosan (PAM–CS)**.

56. **Turbidity** is the cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye, like smoke in air.

57. **Waste site** is an area where material from a construction site is disposed of. When the material is erodible, such as soil, the site must be treated as a construction site.

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

59. **Waters with unavailable parameters** means any segment of surface waters that has been identified by the TDEC as failing to support one or more classified uses. Unavailable parameters exist where water quality is at, or fails to meet, the levels

specified in water quality criteria in Rule 0400-40-03-.03, even if caused by natural conditions. In the case of a criterion that is a single response variable or is derived from measurement of multiple response variables, the unavailable parameters shall be the agents causing water quality to be at or failing to meet the levels specified in criteria. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated GIS coverages (https://tdeconline.tn.gov/dwr/), and the results of recent field surveys. GIS coverages of the streams and lakes not meeting water quality standards, plus the biennial list of waters with unavailable parameters, can be found at https://www.tn.gov/environment/program-areas/wr-water-resources/water-quality/water-quality-reports---publications.html.

60. **Water quality riparian buffer** means a permanent strip of natural perennial vegetation adjacent to a stream, river, wetland, pond, or lake that contains dense vegetation made up of grass, shrubs, and/or trees. The purpose of a water quality riparian buffer is to maintain existing water quality by minimizing the risk of any potential sediments, nutrients, or other pollutants reaching adjacent surface waters and to further prevent negative water quality impacts by providing canopy over adjacent waters.

61. **One-week period** is a synonym of a calendar-week; typically, a period from Sunday through Saturday

62. **Water quality treatment volume (WQTV)** is a portion of the runoff generated from impervious surfaces at a new development or redevelopment project by the 1-year 24-hour design storm. The WQTV is further determined by the type of treatment provided.

63. **Wet weather conveyances** are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that meet the following:

    - The conveyance carries flow only in direct response to precipitation runoff in its immediate locality.
    - The conveyance's channels are always above the groundwater table.
    - The flow carried by the conveyance is not suitable for drinking water supplies.
    - Hydrological and biological analyses indicate that, due to naturally occurring ephemeral or low flow under normal weather conditions, there is not sufficient water to support fish or multiple populations of obligate lotic aquatic organisms whose life cycle includes an aquatic phase of at least two months. (Tennessee Rules, Chapter 0400-40-3-.04(3)).

111-5. CONSTRUCTION STORMWATER MANAGEMENT

1. MS4 Stormwater Construction — Adoption of Material

a. The Town adopts as its MS4 stormwater construction BMP manual(s) the following publication(s), which is incorporated by reference in this ordinance as if fully set out herein:

i. TDEC Guide to the Selection & Design of Stormwater Best Management Practices (BMPs) (most current edition)
ii. TDEC Erosion and Sediment Control Handbook (most current edition)

b. The Town has adopted, for use in designing Stormwater Control Measures, construction design storm events. The construction design storm events adopted by the Town are as follows:

i. For discharges into waters with available parameters for siltation: 2-year, 24-hour storm

ii. For discharges into waters with unavailable parameters for siltation or exceptional Tennessee waters: 5-year, 24-hour storm

c. Requirements for design storm for all waters as well as special conditions for unavailable parameters waters or exceptional Tennessee waters must be consistent with those of the current Tennessee Construction General Permit (TNR100000).

2. Design Storm Requirements from CGP.

The municipality has adopted, for use in designing EPSC measures, the design storm requirements from the current Tennessee Construction General Permit for all waters as well as special conditions for unavailable parameters or Exceptional Tennessee Waters.

3. Construction Waste Control.

Construction site operators are required to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater.

4. Priority Construction

a. Priority in construction shall be, at a minimum, those construction activities discharging directly into, or immediately upstream of, waters the state recognized as unavailable condition for siltation or Exceptional Tennessee Waters.

b. Requirements for all priority construction activities must include preconstruction meetings with construction site operators for priority construction activities so as to limit pollutants of concern.

5. Land Development Permit

a. This section shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, land disturbance applications, and grading applications. These standards apply to qualifying new development or redevelopment sites.

b. Every person will be required to obtain a land disturbance permit from the Town in the following cases:

i. New development that involves land development activities of one (1) acre or more;

ii. Redevelopment that involves other land development activity of one (1) acre or more

c. Projects of less than one acre of total land disturbance may also be required to obtain authorization under this ordinance if:

i. the Town has determined that the stormwater discharge from a site is causing, contributing to, or is likely to contribute to a violation of a state water quality standard; or is likely to be a significant contributor of pollutants to water of the state,

ii. changes in state or federal rules require sites of less than one acre that are not part of a larger common plan of development or sale to obtain a stormwater permit;

iii. any new development or redevelopment, regardless of size, that is defined by the Town to be a hot spot land use; or

iv. the minimum applicability criteria set forth in item (a) above if such activities are part of a larger common plan of development, (see "common plan of development" definition).

v. The creation and use of borrow pits, that are not permitted under the Tennessee Multi Sector Permit (TMSP), where material is excavated and relocated offsite, and fill sites where materials or earth is deposited by mechanized methods resulting in an increased elevation or grade.

vi. As determined by the Town for single or duplex residential lots of any size, lots that have karst features, adjoining lakes or streams, slopes exceeding fifteen percent (15%), floodplains or streams to cross are required to submit an erosion control and stormwater management plan. Depending on site specific conditions the requirement that the plan be developed by a qualified licensed professional engineer or landscape architect may be waived by the Town.

vii. Land disturbance activities in the Town's Flood Plain District (FPD) require a permit and shall provide evidence of obtaining appropriate licenses/permits that may be required by federal or state laws and regulations or written waiver from such permits and licenses prior to the issuance of a land disturbance permit by the Town.

viii. If unpermitted construction activity is on-going, the Town will issue an immediate stop-work order. If, in addition to the Town's permit, a TDEC permit was required but was not obtained, the violator will also be reported to TDEC.

6. <u>Land Disturbance/Grading/Stormwater Construction Permit.</u>

Persons seeking the issuance of any land disturbance or grading permits must provide both proof of coverage under the Tennessee Construction General Permit (CGP) (if applicable) and a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Town when requested.

a. Copies of additional applicable local, state or federal permits (i.e.: ARAP, approved hydrologic determination, etc.) must also be provided to the Town.

b. The Town has the authority to withhold local permits prior to receiving copies of the aforementioned permits.

c. In circumstances where no such permits have been required, the Town may still require a SWPPP as part of the land disturbance permit_application.

7. **Building Permit.**

No building permit shall be issued until the applicant has first obtained a land disturbance permit where required by this ordinance.

8. **EPSC and BMP Implementation.**

Construction site operators are required to implement appropriate erosion prevention and sediment control measures and best management practices to reduce stormwater discharges containing pollutants of concern. EPSC requirements shall meet the Tennessee's CGP design storm(s), be consistent with the TDEC ESC Handbook best management practices and with the requirements of this ordinance.

9. **Site Assessment Requirements.**

Where site assessments are required by the CGP, the operator shall provide a copy of the assessment to the Town.

10. **Inspector Requirements.**

Twice-Weekly inspections of the site and the BMP's/SCM's must be performed by an individual who has either received certification under the Level I Fundamentals of Erosion Prevention and Sediment Control course or has other credentials identified as equivalent within this ordinance.

11. **Landscaping and Stabilization Requirements.**

a. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be stabilized to prevent pollutants of concern. Stabilization measures shall be initiated as soon as possible in portions of the site where construction activities have temporarily or permanently ceased. Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased. In the following situations, temporary stabilization measures are not required:

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

ii. where construction activity on a portion of the site has temporarily ceased, and earth disturbing activities will be resumed within 14 days.

b. For steep slopes of 35% or more stabilization measures shall be initiated within 7 days.

c. Construction buffer zones shall be those water quality buffers, and buffer zones as defined in 111-4 above and shall meet the requirements in this ordinance and, where appropriate in the TN CGP. The criteria for the width of the construction buffer zone can be established on an average width basis at a project, if the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently. Water quality riparian buffer widths are measured from the top of bank also referred to as the "ordinary high-water mark." Construction buffers are not primary sediment control measures and shall not be relied on as such. Stormwater discharges must enter the water quality riparian buffer zone as sheet flow, not as concentrated flow, where site conditions allow. The designer/operator must comply with the vegetation requirements and the permissible land uses set forth for buffers in the TN CGP. Where it is not practicable to maintain a construction water quality riparian buffer, BMPs providing equivalent protection to a receiving stream as a natural water quality riparian buffer must be used.

d. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures such as properly anchored mulch, soil binders or matting must be employed.

12. <u>Notice of Termination (NOT).</u>

The operator shall provide the Town with a copy of the NOT when it is issued by TDEC.

13. <u>As Built Plans (Record Drawings).</u>

All applicants are required to submit actual as built plans certified by the design engineer for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A certification by the design engineer certifying that SCM's will function within original design parameters as constructed shall be included. A final inspection by the Town is required before any performance security or performance bond will be released. The Town shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's/SCM's have been made and accepted by the Town. No bonds or securities shall be released by the Town until the (stormwater manager) has accepted the as built

plans. The warranty period for any infrastructure to be accepted by the Town for maintenance shall not commence until the Town has accepted the as built plans.

14. Equipment Manufacturer Startups.

No bonds or securities shall be released until any equipment to be maintained by the Town passes any specified manufacturer startup procedure. The warranty period shall not commence prior to the equipment passing any specified manufacturer startup procedure.

111-6. PERMANENT STORMWATER MANAGEMENT: DESIGN AND CONSTRUCTION INSPECTION

1) To comply with the Town's permanent stormwater standards for new development and redevelopment projects, design and install SCMs as established by Tennessee Rule 0400-40-10-.04 and comply with other requirements of Tennessee Rule 0400-40-10-.04. Note that for design purposes, total suspended solids (TSS) may be used as the indicator for the reduction of pollutants.

2) SCMs must be designed to provide full treatment capacity within 72 hours following the end of the preceding rain event for the life of the new development or redevelopment project. The designer may select from the most appropriate alternatives listed in the Town's BMP Manual.

3) Designs shall be based on the 24-hour design storm adopted by the Town:

   The Town has adopted, for use in designing water quality SCMs, the design storm requirements as established in Tennessee Rule 0400-40-10-.04. The Post Construction/Permanent water quality design storm is a 1-year, 24-hour storm event for water quality SCMs. See definition of Design Storm Event for the municipality's rainfall amounts for each return period interval. The Design Storm Events for the Town are: 1-yr., 2-yr., 5-yr., 10-yr., 25-yr., and 100-yr.

   The estimated design rainfall amounts, for any return period interval in terms of either depths or intensities for any duration, can be found by accessing the data available at https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html.

111-7. DESIGN STANDARDS FOR DETENTION AND/OR RETENTION PONDS

1) The calculated peak flow rate of stormwater runoff resulting from a one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storm shall be no greater after development of the site than that which would result from a one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storm on the same site prior to development.

2) Adequate attention must be given to safety and sanitation in the design of any detention facility. This includes, but is not limited to, a minimum of two percent slope in the bottom of all detention ponds, a minimum of 2.5:1 (H:V) side slopes or with traversable access to the pond's vegetated bottom and side slopes for maintenance, proposed contours should reflect 15 percent additional area for each two-foot contour of the detention or retention pond based

on the appropriately sized pond for the one-, two-, five-, ten-, 25-, and 100-year storms, a minimum of 4,500 cubic feet of storage volume, and a minimum of one foot of freeboard from the highest water surface elevation for the largest required design storm to the top of the berm before the 15 percent additional volume is added. First-flush volume and treatment shall be provided as described in the BMP manual.

3) The plans shall include sufficient design information to show that the facility will operate as required. This shall include the existing (or before site development) peak flow discharges, the after-site development peak flow discharges, and/or volumes of stormwater runoff based on the proposed site development, as well as all necessary computations used to determine the reduced peak flow rates for the design storms. The capacity of the facility shall be sufficient to control the volume of stormwater runoff resulting from one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storms within the peak rate of flow requirements stated in this subsection.

4) Discharge from the stormwater detention pond shall be routed to a ditch, channel, or stormwater facility of adequate capacity. Calculations showing the capacity of the receiving stormwater facility and its capability to convey a ten-year frequency storm shall be provided. If the receiving stormwater facility is incapable of conveying a ten-year frequency storm, calculations showing the capacity of the receiving stormwater facility and its capability to convey a two-year frequency storm shall also be provided. The above calculations will be routed to the closer of the second existing street crossing or blue-line stream. If energy dissipation is required, calculations must be submitted to confirm that proposed energy dissipation is adequate for the design. Such dissipation structures must be located outside any buffer area and a sufficient distance from adjacent property to prevent any adverse impact, such as erosion and scouring, to those adjacent properties, buffers, or receiving drainage way.

5) The town administrator has authority to condition the approval of a permit upon the compliance with additional requirements, including, but not limited to, correctly sizing and installing offsite conveyance facilities or other stormwater management solutions required to reduce the adverse impact of the proposed development on other properties or the development.

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

111-8. REQUIREMENTS FOR LOW-IMPACT DEVELOPMENT

Stormwater management addresses the conveyance and treatment of rainfall and other water entering a site. Low Impact Development (LID) is a specific development strategy to address stormwater in a way that closely mimics the natural, pre-development hydrologic system. At least 25 percent of the development's total area shall be designed so that its runoff will be accommodated through Low Impact Development (LID) measures. Measures shall be demonstrated on the drainage plan and in the drainage calculations for the development and the applicable LID measures specified as part of the site and landscape plan submittals.

Refer to Town of Farragut Code of Ordinances - Appendix D – Architectural Design Standards, Sections 1.34-37 "Stormwater Management and Low-Impact Development" for Site Design Guidelines.

111-9. REQUIREMENTS FOR DEVELOPMENTS DRAINING TO A SINKHOLE

1) Development on property where the proposed work encroaches the highest closed contour elevation of a sinkhole will require copies of the appropriate permits from the state department of environment and conservation (TDEC) prior to site development approval. After reviewing the state permit, the town administrator may require additional information related to structural integrity and flood protection. If the proposed development does not require TDEC approval, a letter from TDEC obtained by the applicant shall be submitted to the town prior to the issuance of a permit, stating that a TDEC permit is not required.

2) For development or redevelopment projects requiring attenuation or retention of the one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storms with sinkholes entirely on site, calculations shall be provided showing that 100-year 24-hour design storm will not flood any structures assuming plugged conditions (zero cubic feet per second (0 cfs) outflow) for the sinkhole. These calculations must include the entire contributing watershed for the sinkhole. An easement is required around the sinkhole to include an area that is a minimum of five feet horizontally outside the highest closed contour elevation.

3) For development or redevelopment projects requiring attenuation or retention of the one-year, two-year, five-year, ten-year, 25-year and 100-year return frequency 24-hour duration storms with sinkholes partially on site, calculations must be provided showing that there will not be a rise in water surface elevations between the 100-year pre-developed and the 100-year post-developed 24-hour design storm assuming plugged conditions (zero cubic feet per second (0 cfs) outflow) for the sinkhole. An easement is required at a minimum of five feet horizontally outside the highest closed contour elevation on the section of the sinkhole located on the developed property. A rise in the 100-year water surface elevation is allowable when no structures will be flooded and all parties with ownership of the sinkhole agree in writing to allow the rise. In this case, an easement is required around the sinkhole to include an area that is a minimum of five feet horizontally outside the highest closed contour elevation.

111-10. DRAINPIPES

Material for pipes used for conveyance of stormwater within the town shall be in accordance with the following:

1) Cross drains and any other pipe under the pavement surfaces shall be reinforced concrete pipe (RCP). Storm drains within the roadway prism, but not under the pavement, shall also be RCP.

2) Any pipe, culvert, or drainage system dedicated to the town, whether inside or outside the right-of-way, shall be constructed of RCP.

3) RCP is required if the failure of the pipe would cause flooding or potential property damage on adjacent properties. RCP is required for all storm pipes and culverts that carry through water from adjacent properties ("off-site water").

4) RCP is required for all detention basin outlet structures.

5) Material for driveway pipes may be RCP, corrugated metal pipe (CMP), or double-walled high-density-polyethylene-pipe (HDPE) as desired by the responsible agency, corporation, or individual. RCP is required underneath any driveways or entrances that are heavily traveled or which would have the potential to flood areas within the public right-of-way or any structure.

6) Double-walled HDPE pipe and CMP may be used to convey stormwater generated on the particular property (on-site drainage), such as parking lots, buildings, etc. Both pipe materials (HDPE and CMP) may be used to convey water under driveways in locations where a pipe is outside the roadway prism, has adequate cover, and would not cause flooding of adjacent properties or rights-of-way in the event of pipe failure.

7) Installation of all pipes must be done with adequate pipe bedding, backfill material, and coupling bands as recommended by the pipe manufacturer.

8) All pipes, regardless of their material, shall be a minimum of 18 inches in diameter, with the exception of those pipes under greenways or trails, which shall be a minimum of 12 inches in diameter.

111-11. WATER QUALITY RIPARIAN BUFFERS

1) Post Construction/Permanent Water Quality Riparian Buffers.

Post Construction/Permanent Water Quality Riparian Buffers shall be those buffers defined in 111-4 above and shall meet the requirements described in this ordinance. The criteria for the width of the post construction/permanent buffer zone can be established on an average width basis at a project, if the minimum width of the buffer zone is more than the required minimum width at any measured location. If the new development or redevelopment site encompasses both sides of a stream, buffer averaging can be applied to both sides, but must be applied independently. Water quality riparian buffer widths are measured from the top of bank also referred to as the "ordinary high-water mark." Stormwater discharges should enter the post construction/permanent water quality riparian buffer as sheet flow, not as concentrated flow, where site conditions allow.

All final plats and site plans shall:

a) Show the extent of any water quality riparian buffer on the subject property and be labeled as "water quality riparian buffer";

b) Provide a note to reference any water quality riparian buffer stating, "There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation except as permitted by the Town";

c) Provide a note to reference any protective covenants governing all water quality riparian buffers.

2) **Available Parameters.**

Post Construction/Permanent buffers for waters with available parameters for siltation or habitat alteration or unassessed waters:

a. Average buffer width: 30 feet.
b. Minimum buffer width: 15 feet

3) **Unavailable Parameters.**

Post Construction/Permanent buffers for Exceptional Tennessee Waters or waters with unavailable parameters for siltation or habitat alteration:

a. Average buffer width: 60 feet.
b. Minimum buffer width: 30 feet

4) **Vegetative Requirements**

a) The vegetative target is a mature strip of undisturbed native vegetation (either original or re-established) that can provide erosion control to the stream, leaf litter, and wood debris. This area shall be measured perpendicular from the edge, adjacent to streams, delineated wetlands, and springs. If streams, wetlands, or springs do not have an established aquatic buffer, then a planting plan shall be required. Such a planting plan shall be submitted to town staff for approval and comply with the following:

b) All planting plans shall be drawn at a scale of not less than one-inch equals 20 feet for small tracts and one-inch equals 50 feet for large tracts when the plans are printed on 24-inch by 36-inch sheets;

c) All plans must be submitted electronically in portable document format (PDF).

d) The planting plan shall include a "plant schedule", which lists the number and common and botanical name of all existing and proposed plantings. The "plant schedule" shall also list the height, spread, and where applicable, the caliper of all new plantings at the time of planting.

e) Establishment of a vegetated aquatic buffer must adhere to the following conditions and shown on the planting plan:

i) Stream banks must be planted with native vegetation that represent both woody (trees and shrubs) and herbaceous species as determined by a landscape architect. Density shall depend on the re-vegetation technique to be used and existing site conditions;

ii) No trees shall be planted in a utility district easement;

iii) No species may comprise more than one-third of the total planted trees or shrubs;

iv) Seedling/trees must be guaranteed at a 75 percent survivorship; and

v) Invasive species must be removed and managed.

5) **Management and Maintenance of Water Quality Riparian Buffers**

a) Management of water quality riparian buffers include specific limitation on alteration of the natural conditions. The following practices and activities are restricted within the water quality riparian buffer, except with prior approval from the Town:

   i) Clearing or grubbing of existing vegetation; and

   ii) Use, storage, and application of pesticides, herbicides, and fertilizers.

b) The following structures, practices, and activities are permitted in the aquatic buffer subject to prior approval by the town and the following specific design or maintenance features:

   i) Crossings, provided the following criteria are followed:
      a. The width should be the minimum width needed to allow for maintenance access and installation;
      b. The crossing shall be at an angle that minimizes clearing requirements; and
      c. The minimum number of crossings should be used within each development.

   ii) Paths, provided the design and location are approved by the town.

   iii) Utilities, provided the following criteria are followed:

      a. The width should be the minimum width needed to allow for maintenance access and installation; and
      b. The crossing should be at an angle that minimizes clearing requirements.

c) Individual trees within the water quality riparian buffer may be removed if in danger of falling, causing damage to dwellings or other structures, causing blockage of the stream, standing in the path of a proposed water or sewer main, or the roots of the tree are penetrating or in danger of penetrating a sewer line at a joint or pipe connection. The root wad or stump should be left in place, where feasible, to maintain soil stability.

d) All water quality riparian buffers must be protected during development activities. Prior to the initiation of development activities, ensure adequate visibility of the water quality riparian buffer by staking, flagging, or fencing. Permanent boundary markers, in the form of signage approved by the Town, may be required to be installed prior to the recording of the final plat, the issuance of a certificate of occupancy, or the issuance of a certificate of completion.

e) Water quality riparian buffers shall be left in a stabilized condition upon completion of the development. The vegetative condition of the entire aquatic buffer must be monitored, and landscaping or stabilization performed to repair erosion, damaged vegetation, or other problems identified. Invasive species must be removed and managed. Only native vegetation may be used in conjunction with stabilization activities. Property owners shall remain responsible for maintaining the water quality riparian buffer. Where any tree or shrub, which was required as part of an approved planting plan, is removed, such tree or shrub shall be replaced with an equivalent tree or shrub approved by town staff.

f) All landscaping or stabilization activities within the water quality riparian buffer must have prior approval by the Town. In addition, performing work in and around waters of the state may require coverage under a state and possibly a federal permit.

111-12. PERMANENT SCM MAINTENANCE AND INSPECTION

(1) As Built Plans.

All applicants are required to submit actual as built plans for any structures located on-site within 90 days after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by either a registered professional engineer or landscape architect licensed to practice in Tennessee. A sealed certification by the design engineer that all SCM's will function within design parameters as constructed shall accompany the as built plans. A final inspection by the Town is required before any performance security or performance bond will be released.

The Town shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all stormwater management facilities have been made and accepted by the Town.

(2) Permanent Stormwater Management Plan.

In addition to the certified as built drawings, the Town shall be provided with a permanent stormwater management plan for the site and all stormwater management facilities (e.g., SCM's). Occupation permits shall not be granted until the permanent stormwater management plan has been approved and accepted by the Town.

(3) Inspection of Stormwater Management Facilities.

Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in 111-13(1)b.ii.

(4) Records of Installation and Maintenance Activities.

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

(5) Failure to Meet or Maintain Design or Maintenance Standards.

If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the Town, after notice as specified in the Enforcement Response Plan, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. If the stormwater management facility becomes a danger to public safety or public health, the Town shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. If corrective action is not

undertaken within that time, the Town may take the necessary corrective action. The cost of any action by the Town under this section shall be charged to the responsible party.

(6) Danger to Public Health/Public Safety.

If the stormwater management facility becomes a danger to public safety or public health, the Town may take such immediate corrective action as deemed necessary.

111-13. PERMANENT SCMs: NEW DEVELOPMENT, EXISTING LOCATIONS, AND ONGOING DEVELOPMENTS

(1) On-Site Stormwater Management Facilities Inspection and Maintenance Agreement

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

The required maintenance agreement form is available through the Town's Engineering Department.

b. The maintenance agreement shall:

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

ii. Provide for a periodic inspection by the property owners in accordance with the requirements of subsection (3) below for the purpose of documenting maintenance and repair needs and to ensure compliance with the requirements of this ordinance. The property owners will arrange for this inspection to be conducted by individual(s) approved by the Town who will submit a signed written report of the inspection to the Town. It shall also grant permission to the Town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

iii. Provide that the minimum maintenance and repair needs to include, but are not limited to:

1) the removal of silt, litter and other debris, the cutting of grass, cutting and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owners shall be responsible for additional maintenance and repair needed to meet the intended design specification of the stormwater facility.

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

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

(2) Existing Problem Locations – No Maintenance Agreement

a. The Town shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting or caused by such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance. Discharges from existing SCM's that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as non-compliant discharges.

b. Inspection of existing facilities. The Town may, to the extent authorized by state and federal law, enter and inspect private property for the purpose of determining if there are illicit non-stormwater discharges, and to establish inspection programs to verify that all stormwater management facilities are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the Town's NPDES MS4 stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

   Inspections may include but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other SCM's.

(3) Owner/Operator Inspections.

The owners and/or operators of the SCMs shall:

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

b. Perform comprehensive inspection of all stormwater management facilities and practices. These inspections shall be conducted once every five years, at a

minimum. Such inspections must be conducted by individual(s) approved by the Town. Complete inspection reports for these five-year inspections shall include:

i. Facility type,

ii. Inspection date,

iii. Latitude and longitude and nearest street address,

iv. BMP owner information (e.g. name, address, phone number, fax, and email),

v. A description of BMP condition including:

vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and any sediment and debris accumulation,

vi. Photographic documentation of BMP's, and

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

c. Owners or operators shall maintain documentation of these inspections. The Town may require submittal of this documentation.

(4) <u>Requirements for All Existing Locations and Ongoing Developments</u>.

The following requirements shall apply to all locations and developments at which land disturbing activities have occurred previous to the enactment of this ordinance:

a. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP Manual and on a schedule acceptable to the Town.

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

c. Drainage ways shall be appropriately stabilized.

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

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

i. Ponds

1. Detention pond

2. Extended detention pond

3. Wet pond

4. Alternative storage measures

ii. Constructed wetlands

iii. Infiltration systems

1. Infiltration/percolation trench
2. Infiltration basin
3. Drainage/recharge well
4. Porous pavement

iv. Filtering systems

1. Media Filter
2. Sand filter
3. Filter/absorption bed
4. Filter and buffer strips

v. Open channel

1. Swale

(5) Corrections of Problems Subject to Appeal.

Corrective measures imposed by the Town under this section are subject to appeal under section 111-16 of this chapter.

111-14. ILLICIT DISCHARGES

This section shall apply to all water generated on developed or undeveloped land entering the Town's separate storm sewer system.

(1) Prohibition of Illicit Discharges.

No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. No person shall allow discharges that flow from a stormwater facility that is not inspected in accordance with section 111-13(1)b.ii.. Non-stormwater discharges shall include, but shall not be limited to, sanitary wastewater, car wash wastewater, radiator flushing disposal, spills from roadway accidents, carpet cleaning wastewater, effluent from septic tanks, improper oil disposal, laundry wastewater/gray water, improper disposal of auto and household toxics. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:

a. Water line flushing
b. Landscape irrigation
c. Diverted stream flows
d. Rising ground waters

e. Uncontaminated ground water infiltration (Infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)

f. Uncontaminated pumped ground water

g. Discharges from potable water sources

h. Air conditioning condensation

i. Irrigation water

j. Springs

k. Water from crawl space pumps

l. Footing (foundation)drains

m. Lawn watering

n. Individual residential car washing

o. Flows from riparian habitats and wetlands

p. Dechlorinated swimming pool discharges

q. Street wash water with no soaps or solvents

r. Discharges or flows from firefighting activities

Unless the Town determines they are significant contributors of pollutants to the MS4.

(2) <u>Prohibition of Illicit Connections.</u>

The construction, use, maintenance or continued existence of illicit connections to the municipal separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition expressly includes SCM's connected to the system not properly inspected and maintained in accordance with this ordinance.

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

(3) <u>Notification of Spills.</u>

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

(4) No Illegal Dumping Allowed.

No person shall dump or otherwise deposit outside an authorized landfill, convenience center or other authorized garbage or trash collection point, any trash or garbage of any kind or description on any private or public property, occupied or unoccupied, inside the Town; such illegal activity exposes runoff to contamination, generating an illicit discharge. Therefore, any individual or corporation guilty of illegal dumping may have committed a violation of this ordinance.

111-15. ENFORCEMENT

(1) **Enforcement Authority.**

The Town shall have the authority to issue notices of violation and citations, and to impose civil penalties to anyone that violates 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 Town. The Town's enforcement authority includes (as set forth in the Town's Enforcement Response Plan (ERP)):

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

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

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

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

(e) Withholding of Plan Approvals or Other Authorizations – Where a facility is in noncompliance, the Town own approval process affecting the facility's ability to discharge to the MS4 can be used to abate the violation.

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

(2) **Notification of Violation.**

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

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

(c) Consent orders — The Town is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance; such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (d) and (e) below.

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

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

construction of appropriate structures, installation of devices, self-monitoring, and management practices.

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

(i) Comply forthwith; or

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

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

(h) Conflicting standards — Whenever there is a conflict between any standard contained in this chapter and in the BMP manual(s) adopted by the Town under this ordinance, the strictest standard shall prevail.

111-16. PENALTIES

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 Town, shall be guilty of a civil offense.

(1) **Penalties**

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

(2) **Measuring Civil Penalties**

In assessing a civil penalty, the Town shall consider:

(a) The harm done to the public health or the environment;

(b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;

(c) The economic benefit gained by the violator;

(d) The amount of effort put forth by the violator to remedy this violation;

(e) Any unusual or extraordinary enforcement costs incurred by the City; The amount of penalty established by ordinance or resolution for specific categories of violations; and

(f) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(3) Recovery of Damages and Costs

In addition to the civil penalty in the subsection above [111-16. (1)], the Town may recover:

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

(b) The costs of the Town's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

(4) Referral to TDEC

In accordance with the Town's Enforcement Response Plan and the NPDES Permit requirements, the Town may also notify TDEC of violations.

(5) Other Remedies

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

(6) Remedies Cumulative

The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

111-17. 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 Town's governing body.

(1) Appeals to be in Writing

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

(2) Public Hearing

Upon receipt of an appeal, the Town's governing body, or other appeals board established by the Town'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 Town shall be final.

(3) Appealing Decisions of the Town's Governing Body

Any alleged violator may appeal against a decision of the Town's governing body pursuant to the provisions of Tennessee Code Annotated, title 27, chapter 8.

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2024, with approval recommended by the Farragut Municipal Planning Commission (FMPC).

_____
Scott Russ, Chairman

_____
Shannon Preston, Secretary

MEETING DATE: May 16, 2024 **AGENDA ITEM #5**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion and public hearing on a request to amend the Future Land Use Map for Parcels 070 and 072, Tax Map 142, between Waverly Court Subdivision and Baldwin Park Subdivision, 341 Boring Road, from Open Space Cluster Residential to Very Low Density Residential, 12 Acres (Homestead Land Holdings, Applicant)

INTRODUCTION AND BACKGROUND: This item was discussed at the April meeting and involves a request to amend the Future Land Use Map for the two parcels between the Waverly Court Subdivision and the Baldwin Park Subdivision from Open Space Cluster Residential to Very Low Density Residential.

The two parcels combined are approximately 12 acres and were included in the Boring Road Study Area community workshop sessions completed a few months ago. During that process, the Future Land Use Map was updated based on the predominant community input. The subject parcels were changed from Medium Density Residential to Open Space Cluster Residential. The thought was that the area between Waverly Court and Baldwin Park may be a good candidate for an open space mixed residential development with attached single family abutting Waverly Court and detached small lot residential abutting Baldwin Park. The Open Space Cluster Residential land use designation would most closely reflect that development option.

DISCUSSION: Recently, the applicant began looking at these parcels for residential development. They looked at the OSMR, Open Space Mixed Residential Zoning District, and the R-4, Attached Single Family Zoning District, but felt that given the relative small size of the tracts involved and the Knox County school planned for nearby property to the east, a more traditional detached residential development would be more appropriate.

Under the next agenda item, the applicant has requested to rezone these two tracts from R-1 and R-2 to R-3, Small Lot Single Family Residential. The R-3 District is the same as Baldwin Park and would likely result in a comparable development. The land use designation that is most similar to the R-3 Zoning District is the Very Low-Density Residential land use (2-4 dwelling units per acre). The developed density of Baldwin Park is 2.37 units per acre, and this would likely be comparable to the density that would result from the development on the tracts involved in this request.

RECOMMENDATION: Included in the packet is Resolution PC-24-04 which recommends approval of amending the Town of Farragut Future Land Use Map as shown on Exhibit A that is attached to Resolution PC-24-04.

RESOLUTION PC-24-04

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FUTURE LAND USE MAP IN THE COMPREHENSIVE LAND USE PLAN UPDATE, DECEMBER 2012, TO AMEND THE LAND USE DESIGNATION FOR PARCELS 070 AND 072, TAX MAP 142, BETWEEN WAVERLY COURT AND BALDWIN PARK, FROM OPEN SPACE CLUSTER RESIDENTIAL TO VERY LOW DENSITY RESIDENTIAL

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission may make, adopt and amend from time to time a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission, after holding a public hearing as required by T.C.A. § 13-4-202(a), adopted the Comprehensive Land Use Plan Update (the "Plan") on December 12, 2012; and

WHEREAS, The Farragut Municipal Planning Commission desires to amend the Plan by changing the future land use map for Parcels 070 and 072, Tax Map 142, between the Waverly Court Subdivision and the Baldwin Park Subdivision, 341 Boring Road, from Open Space Cluster Residential to Very Low Density Residential;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby amends the Plan through approval of Resolution PC-24-04 as shown on Exhibit A.

ADOPTED this 16th day of May 2024.

_____

Scott Russ, Chairman

_____

Shannon Preston, Secretary

Exhibit A
Resolution PC-24-04

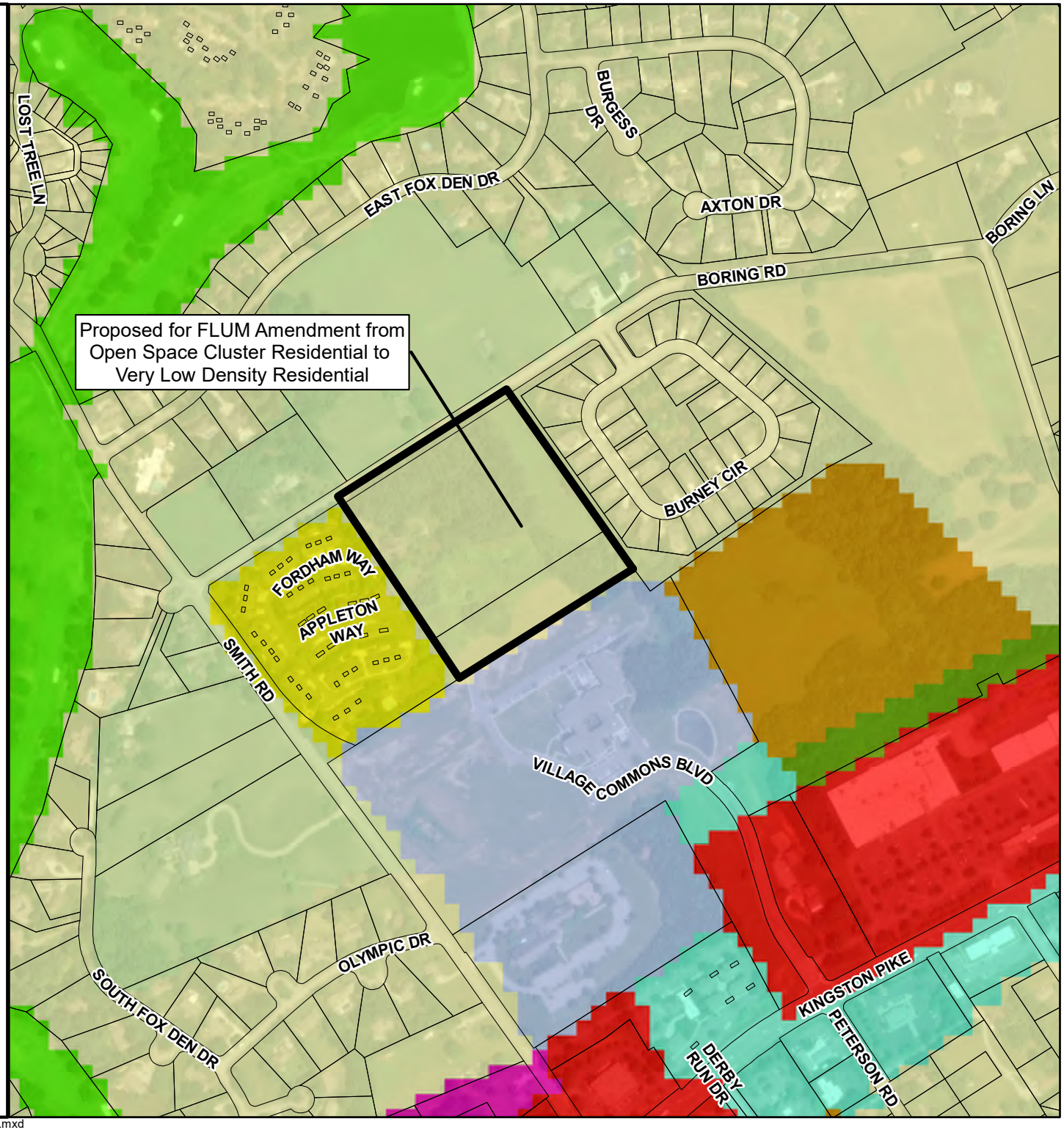
FLUM Amendment
of 341 Boring Road
Parcel 070 and 072, Tax Map 142

Proposed for FLUM Amendment from
Open Space Cluster Residential to
Very Low Density Residential

Legend

- Parcels
- Subject Area
- Civic/Institutional
- Office/Light Industrial
- Commercial
- Open Space
- Parks and Rec
- Rural Residential (> 1 Acre lots)
- Very Low Density Residential (2-4 DUs /
- Low Density Residential (3-6 DUs / Acre)
- Med Density Residential (6-8 DUs / Acre)
- Mixed Use Neighborhood (6-8 DUs / Acre)

1 in = 500 ft



Document Path: G:\Farragut\Map Documents\2024\Resolution PC-24-04 FLU.mxd

MEETING DATE: May 16, 2024 **AGENDA ITEM #6**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion and public hearing on a request to amend the Zoning Map for Parcels 070 and 072, Tax Map 142, between the Waverly Court Subdivision and Baldwin Park Subdivision, 341 Boring Road, from R-1 and R-2 to R-3, 12 Acres (Homestead Land Holdings, Applicant)

INTRODUCTION AND BACKGROUND: Related to the previous item, this involves a zoning map amendment for the two parcels between the Waverly Court Subdivision and the Baldwin Park Subdivision. The parcels are currently zoned R-1 and R-2 and the applicant is requesting a rezoning to R-3.

The R-3 Zoning District is the same as the Baldwin Park Subdivision which abuts the parcels to the east. The southern parcel involved in this rezoning abuts the Village Commons senior living community. The northern parcel included in this rezoning is accessed along Boring Road and an access from Village Commons is stubbed into the southern parcel.

The frontage along Boring Road was improved as part of the Baldwin Park Subdivision so no additional improvements to Boring Road would be required in association with this rezoning. Based on the average daily trips (ADT's) expected to be generated by the result of the rezoning, the Town Engineer has determined that a traffic study would not be warranted.

RECOMMENDATION: The requested R-3 Zoning District is consistent with the adjacent Baldwin Park Subdivision and would result in less density than the Waverly Court Subdivision to the west. The staff recommends approval of Resolution PC-24-05 which recommends approval of Ordinance 24-08.

RESOLUTION 24-05

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE FARRAGUT ZONING MAP, ORDINANCE 86-16, TO RECOMMEND THE APPROVAL OF THE REZONING OF THE PROPERTY REFERENCED AS PARCELS 070 AND 072, TAX MAP 142, BETWEEN THE WAVERLY COURT SUBDIVISION AND THE BALDWIN PARK SUBDIVISION FROM RURAL SINGLE-FAMILY RESIDENTIAL (R-1) AND GENERAL SINGLE-FAMILY RESIDENTIAL (R-2) TO SMALL LOT SINGLE-FAMILY RESIDENTIAL (R-3)

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission has adopted various elements of a zoning plan as an element of the general plan for physical development; and

WHEREAS, a public hearing was held on this request on May 16, 2024;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval of Ordinance 24-08 to the Farragut Board of Mayor and Aldermen, an ordinance amending the Farragut Zoning Ordinance and Map, Ordinance 86-16, by rezoning the above noted property.

ADOPTED this 16th day of May 2024.

_____

Scott Russ, Chairman

_____

Shannon Preston, Secretary

ORDINANCE:	**24-08**
PREPARED BY:	**Shipley**
REQUESTED BY:	**Homestead Land Holdings**
CERTIFIED BY FMPC:	**May 16, 2024**
PUBLIC HEARING:	_____
PUBLISHED IN:	_____
DATE:	_____
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF FARRAGUT, TENNESSEE, ORDINANCE 86-16, AS AMENDED, PURSUANT TO SECTION 13-4-201, TENNESSEE CODE ANNOTATED.

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended as follows:

SECTION 1.

The Farragut Zoning Ordinance, Ordinance 86-16, as amended, is hereby amended by rezoning the property referenced as Parcels 070 and 072, Tax Map 142, between the Waverly Court Subdivision and the Baldwin Park Subdivision, 341 Boring Road, from R-1 and R-2 to R-3 (See Exhibit A).

SECTION 2.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2024, with approval recommended by the Farragut Municipal Planning Commission (FMPC).

_____
Scott Russ, Chairman

_____
Shannon Preston, Secretary

Exhibit A
Ordinance 24-08

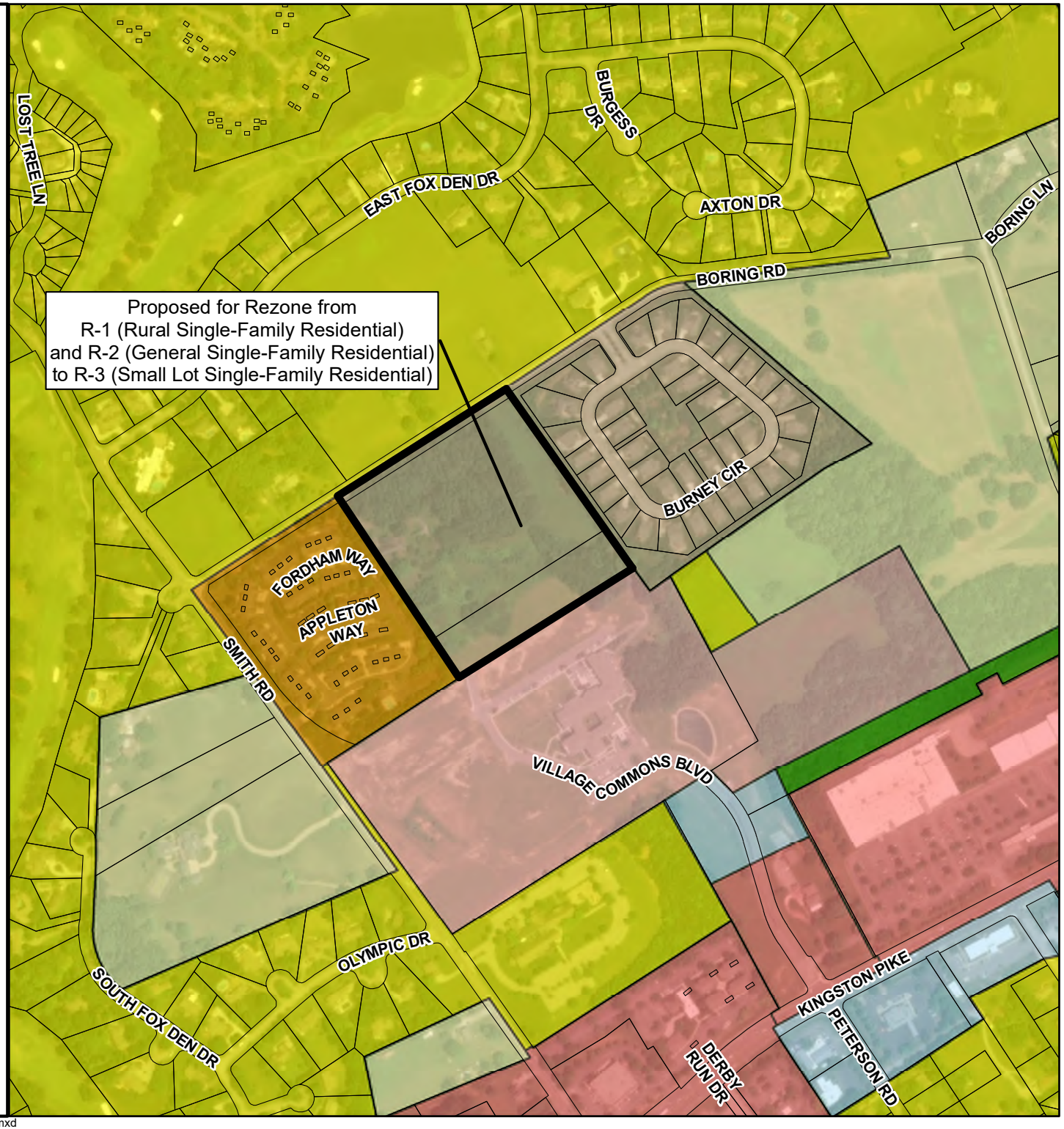
Rezone of 341 Boring Road
Parcel 070 and 072, Tax Map 142

Proposed for Rezone from
R-1 (Rural Single-Family Residential)
and R-2 (General Single-Family Residential)
to R-3 (Small Lot Single-Family Residential)

Legend

- Parcels
- Subject Area
- B-1, Buffer
- S-1, Community Service
- R-1, Rural Single-Family Residential
- R-2, General Single-Family Residential
- R-3, Small Lot Single-Family Residential
- R-4, Attached Single-Family Residential
- O-1, Office
- C-1, General Commercial

1 in = 500 ft



Document Path: G:\Farragut\Map Documents\2024\Ordinance-24-08 Zoning.mxd

MEETING DATE: May 16, 2024 **AGENDA ITEM #7**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Bart Hose, Assistant Community Development Director

SUBJECT: Discussion and public hearing on amendments to the Sign Ordinance in association with the Mixed-Use Town Center area (JA Fielden, Applicant)

INTRODUCTION AND BACKGROUND: This item involves proposed amendments to the Town Sign Ordinance to permit "canopy signs" and larger second story "perpendicular projecting signs" in the Mixed-Use Town Center (MUTC) area. In both cases, these sign types are not currently allowed within this area of the Town. The proposed amendments also propose several other minor changes to the ordinance that are related to the canopy and projecting sign types. The Planning Commission discussed and workshopped the canopy sign issue at its last meeting. Subsequently, the staff became aware of a potential need for perpendicular projecting signs in the MUTC area and decided to address them as well. Both sign types were also discussed at this month's staff developer meeting.

DISCUSSION: As noted, the Planning Commission discussed the permitting of "canopy signs" at its last meeting. The principal outstanding issue from that discussion was the visual impact of the size and scale of such signs on a canopy, the maximum permittable size of such signs, and how best to calculate it. Based on that discussion, the staff has attempted to address the issue by limiting the total area of these signs based on the linear length of the building/tenant space, tying the permittable face height of these signs to the height of the building (2 inches of sign face height per 1 foot of building height up to 24 feet), and limiting the window percentage that such a sign can obscure to 20 percent. These provisions are contained in parts d., e., f. in the proposed canopy sign code section for both single use buildings and multi-use/multi-tenant buildings. The Planning Commission will need to review these provisions to assure that they are comfortable with the potential size for such signs. The proposed regulations would provide for a 48-inch tall sign on a canopy attached to a 24-foot tall building wall.

For reference, the letter/sign height on the front of the Dollar General Store is 24 inches (see attached image). The existing canopy sign at TopGolf is a total of 66 inches tall, including both the main letters and the secondary tag line, mounted to a 30-inch tall canopy fascia, in front of a 40-foot tall building (see attached image). The TopGolf main letters themselves are 44 inches tall. In contrast, the proposed Super Chix canopy sign is a total of 44 inches tall, including the main letters, the arched letter effect, and the secondary tag line below (see attached image). The main Super Chix letters themselves are 31 inches tall. The sign would be mounted to a 20-inch tall canopy fascia in front of a 24-foot tall building wall. Planning commission members may wish to visit these sites to ensure that the proposed amendments meet their regulatory objectives.

The Planning Commission will also need to thoroughly review the proposed regulations for "perpendicular projecting signs", given that they were not discussed at the last meeting. This includes the proposed size, maximum permittable projection distance, location on the building, and the color and lighting standards for these signs. The proposed amendments divide perpendicular projecting signs into minor and major (larger) types, with the smaller minor type signs being restricted to first floor locations in the immediate

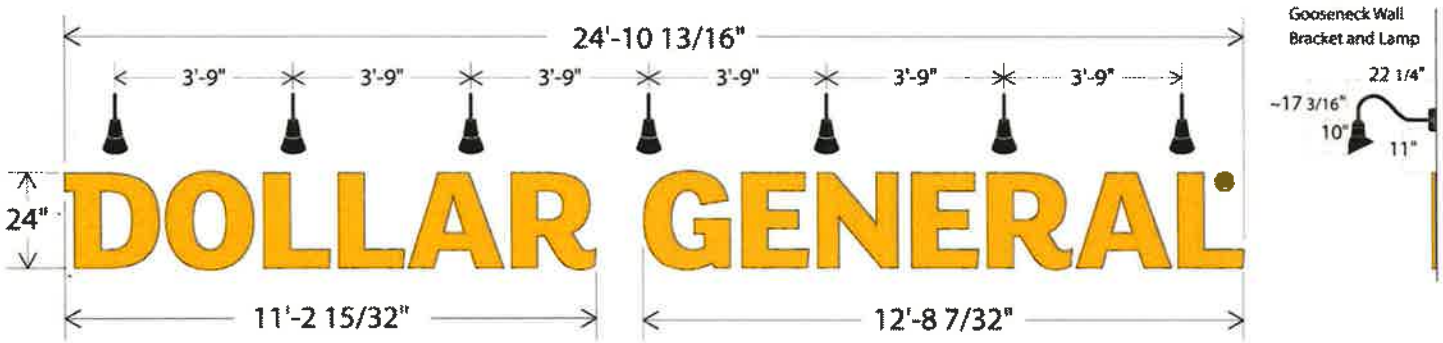
vicinity of a business entrance, while the major signs would have to be installed along the second story (above 10 feet) of a building in the Mixed-Use Town Center area. The “minor” type of this sign is already permitted in the MUTC for multi-tenant and multi-use developments, and the proposed amendments would also allow them for single use developments. The larger, “major” projecting signs would be a new type of sign permitted by the Town. Several examples of the larger, “major” type signs are included for reference and perspective.

RECOMMENDATION: Review the proposed amendments, and if in agreement with them, approve Resolution PC-24-02 which recommends approval of Ordinance 24-06.

DOLLAR GENERAL

2009 Logo 24" HDU Letters Flush Mounted, Illuminated by External Lamping

DG # 30142 13024 Kingston Pike, Farragut, TN



- 49.8 sqft.

HDU Foam Letters: 1 1/2" Thick

- Painted to match **HEX#ffd442 / PMS# 123**

(As Directed by the Town of Farragut, TN)

- Pin Mounted

(~6 inch Stainless Steel Threaded Rods)

- Register Mark: Black on Yellow Disk
- Illuminated with seven (7) Abolite Style Black Angled Reflectors with Goosenecks approx. 22 1/4" Arms and Wall Plates/Covers
- 5000K LED Light Bulbs (7 total)

Dualite Sales & Service, Inc.

WILLIAMSBURG, OHIO • CEDAR HILL, TEXAS

Dualite Sales & Service, Inc.
One Dualite Lane
Williamsburg, Ohio 45176

Scale: 1/4" = 1'-0"

 # 17-4-158-M-DG-A4

Date: 6-22-2017

Total Sign = 66 inches tall
Main Letters = 48 inches tall
Canopy Fascia = 30 inches tall
Building Height = 40 feet tall
48"
TOPGOLF
POWERED BY TOPTRACER
04/23/2024

East Elevation

A	31.447" Canopy Mount Channel Letters

Rev 1 - JAC 12/18/23 Reduced letters to 35.5"
Rev 2 - JAC 12/19/23 Reduced letters to 35"
Rev 3 - JAC 12/21/23 Increased tagline by 15%
Rev 4 - JH 01-08-24 Added coloring to building, added new signage, revised CMCL to white
Rev 5 - JH 01-09-24 Revised canopy color
Rev 6 - JH 01-19-24 Revised signage design, size, window signage
Rev 7 - JAC 03-13-24 Revised signage design and placement
Rev 8 - JAC 03-28-24 Reduced letters to 30"
Rev 9 - MBJ 04-09-24 Added Double Door Vinyl
Rev 10 - MBJ 04-09-24 Updated Store Hours & Vinyl Color
Rev 11 - CAS 04/10/24 Revised measurements for Door Vinyl

Design Team SIGN COMPANY LLC.

Designer: JAC	Date: 12/15/23	Option # 1 - JAC
Client: Super Chix - Farragut, TN		
File Path: Z/Restaurant/Super Chix/TN/Farragut/112-116 Brooklawn St/New Build 2024		

☐ Proof Is Approved. Proceed With Production Of Order

☐ Proof Is Approved With Corrections. Make Corrections As Indicated And Proceed With Production Of Order

Signature:_____

I have reviewed this proof in regard to: Sign type; order quantity; and accuracy of icons, symbols, and text (e.g. spelling capitalization, punctuation).

Print Name:_____

Date:_____

MSSA MID SOUTH SIGN ASSOCIATION INC

IFAI MEMBER

c UL us LISTED

ISA

nec

These plans are the exclusive property of Design Team Sign Company and are the result of the original work of its employees. They are submitted to your company for the sole purpose of your consideration of whether to purchase these plans or to purchase from Design Team Sign Company a product manufactured according to these plans. Distribution or exhibition of the plans to anyone other than employees of your company, or use or these plans to construct a product similar to one embodied herein, is expressly forbidden. In the event that exhibition or construction occurs, Design Team Sign Company expects to be reimbursed $500 in compensation for time and effort entailed in creating these plans.

TUPELO

The trim lighting is apparently a "LED Neon" rope type light. Is the lighting effect too intense for what the Town wants to achieve in the area?
FOR LEASE

Based on information from the sign company, this is a 36-inch wide, 14-foot tall sign, mounted 12 inches from the wall.
Total projection from the wall is 48 inches.

RESOLUTION PC-24-02

FARRAGUT MUNICIPAL PLANNING COMMISSION

A RESOLUTION TO APPROVE AN AMENDMENT TO THE TOWN OF FARRAGUT SIGN ORDINANCE PURSUANT TO AUTHORITY GRANTED BY SECTION 6-2-201, TENNESSEE CODE ANNOTATED

WHEREAS, the Tennessee Code Annotated, Section 13-4-201et seq, provides that the Municipal Planning Commission shall make and adopt a general plan for the physical development of the municipality; and

WHEREAS, the Farragut Municipal Planning Commission and/or the Farragut Board of Mayor and Aldermen has adopted various regulatory measures to more fully implement said general plan; and

WHEREAS, the Town of Farragut long considered the regulation of signs an important part of its planning and supporting regulatory program; and

WHEREAS, a public hearing was held on this request on May 16, 2024;

NOW, THEREFORE, BE IT RESOLVED that the Farragut Municipal Planning Commission hereby recommends approval to the Farragut Board of Mayor and Aldermen of Ordinance 24-06, an ordinance to amend the Farragut Municipal Code, Chapter 109 -Signs, to provide for canopy and projecting signs in portions of the Town.

ADOPTED this 16th day of May 2024.

_____

Scott Russ, Chairman

_____

Shannon Preston, Secretary

ORDINANCE:	**24-06**
PREPARED BY:	**Hose/Marlowe**
REQUESTED BY:	**J.A. Fielden**
1ST READING:	_____
2ND READING:	_____
PUBLISHED IN:	_____
DATE:	_____

AN ORDINANCE TO AMEND THE FARRAGUT MUNICIPAL CODE, CHAPTER 109-SIGNS, TO ADD PROVISIONS FOR CANOPY AND PROJECTING SIGNS IN PORTIONS OF THE TOWN.

WHEREAS, the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, wishes to amend the Farragut Municipal Code, Chapter 109-Signs, to provide for canopy signs and projecting sign in portions of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Farragut, Tennessee, that the Farragut Municipal Code is hereby amended as follows:

SECTION 1.

The Farragut Municipal Code, Chapter 109-Signs, Section 109-6., Definitions., is hereby amended by adding or modifying the following definitions as follows:

Canopy means an approved permanent flat roofed structural building element, constructed of metal or wood, and attached to a building for the purposes of covering an entrance way, seating area, or window area. The definition of a canopy as applied in this chapter within this ordinance is distinctly different from a fabric cover or other type of awning covering, and shall also not include gas station, drive-through facilities, ATMs, and similar facility canopies.

Canopy sign means an approved sign mounted to or immediately above the front fascia of a building canopy, including any needed supports attached to the canopy roof behind the fascia.

Perpendicular projecting sign, minor means a small blade or similar type sign that projects in a perpendicular direction from a building wall or hangs from a bracket that projects from a building wall in the immediate vicinity of a building/business entrance and above pedestrian height.

Perpendicular projecting sign, major means larger sign that projects in a perpendicular direction from a building wall located above the first story (ground floor) of a building.

SECTION 2.

The Farragut Municipal Code, Chapter 109-Signs, Section 109-12., "Sign regulations by land use and/or zoning districts", Subsection (c) "Signs permitted for developments being used for single-use non-residential purposes, including freestanding churches and schools" is hereby amended by adding the following:

(12) *Canopy Sign – Mixed-Use Town Center Area.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center area each principal building (single tenant/business), with a qualifying canopy structure shall be permitted one canopy sign, provided the following criteria are met:

a. Such a sign shall only be allowed in the place of an otherwise permittable wall sign.

b. Such a sign shall be located above and in the immediate vicinity of a primary public business entrance (*these signs* are intended to identify the public entranceway).

c. Such a sign shall be located so that a building elevation provides a backdrop for the sign. Such a sign cannot extend above the associated building's roof line.

d. The maximum permittable size (area) for such a sign shall be .75 square feet for each linear foot of the exterior building wall located behind and providing a backdrop for the canopy sign. Sign area shall be measured in the same manner as wall signs ("boxing" all sign elements).

e. The maximum permittable sign height (top to bottom of sign), including all sign elements, shall be two inches for each linear foot of exterior building wall height located behind and providing a backdrop for the sign, up to a maximum of a 24-foot-high wall.

f. Such a sign shall be mounted on the canopy in a manner so that no sign element shall extend below the canopy fascia. In addition, no sign element shall extend above the canopy fascia to a height that obscures more than 20 percent of a window located on a wall behind the sign.

g. Such a sign shall be restricted to channel type individual letter/numeral elements, provided however, that minor secondary sign elements, such as logos and tag lines, may be allowed to utilize cabinet pill box designs provided, they are clearly subservient to the larger sign and are located/mounted in a visually unobtrusive manner (typically to the canopy fascia).

h. Sign lighting may be face lit, halo/reverse lit, or externally lit.

i. The color of channel lettering (main) shall be limited to white, black, or solid silver/gray/natural aluminum. This shall include all returns and other components. Night lighting for such lettering shall be white. Secondary sign elements (logos and tag lines) may utilize other colors upon approval by the sign administrator.

j. Sheet backer panels shall not be permitted to extend above or below the canopy fascia, individual channel letters extending above the canopy fascia may have individually cut backers corresponding to the letter. Raceways, powered or unpowered, shall be mounted in an unobtrusive manner on or behind the canopy fascia.

k. Such a sign and canopy shall comply with adopted building code requirements and be fully reviewed and inspected to assure that the canopy structure can support the proposed sign and the sign is adequately secured to said structure.

(13) *Perpendicular projecting sign, minor – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, an individual tenant may be permitted one

non-illuminated minor (blade or similar type) projecting sign near the principal entrance not to exceed four square feet in size. Such sign shall comply with adopted building code clearance requirements and shall be hung perpendicular to the building.

(14) *Perpendicular projecting sign, major – Mixed-Use Town Center.* Due to its emphasis on the pedestrian and a more urban development form, within the Mixed-Use Town Center area, a business/building may be permitted one major ("2nd" story) projecting sign, provided the following criteria are met:

a. Such a sign shall only be allowed in the place of an otherwise permittable wall sign. Where a business, because of its location, is permitted two wall signs, they may choose to mount both the perpendicular projecting sign and their second permissible wall sign on the same building elevation.

b. The sign is attached to the building and is mounted so that the face of the sign is perpendicular to the building wall and to the normal flow of street and foot traffic.

c. The maximum permittable size (area) for such a sign shall be .75 square feet for each linear foot of wall along the exterior of the building elevation upon which the sign is mounted. Sign area shall be measured in the same manner as wall signs (including the "boxing" all sign elements where applicable).

d. The sign shall not project more than 48 inches from the building wall, including mounting brackets and similar components (these signs are intended to display their message vertically with the building wall and be longer/taller than they are wide).

e. The sign must be mounted above the first story/ground floor (or what appears to be the first story) of the building, including all first story/ground floor windows and architectural building elements defining the boundary/transition between the first and second stories, and/or be at least 10 feet above the sidewalk grade, whichever is the greater.

f. The sign cannot extend above the top of the building wall (including parapets) and/or any building cap elements including but not limited to decorative architectural cornices.

g. The sign cannot project beyond/across the property/right-of-way line, and must be clear of any overhead utilities, easements, and/or associated maintenance zones. Where overhead utilities are present (including cellular facilities), the relevant utility provider must provide written documentation that the proposed sign's location does not create a conflict with their facilities.

h. Sign lighting may be internal face lit or halo/reverse lit. Signs may be solid opaque panel construction with either mounted channel letters or with routed and backed letters (only the lettering and associated logos and other approved sign elements may be lit). Such panels shall be white, black, or solid silver/gray/natural aluminum in color.

i. The color of lettering (main) shall be limited to white, black, or solid silver/gray/natural aluminum. This shall include all returns and other components where individual channel type letters are used. Night lighting for such lettering

shall be white. Secondary sign elements (logos and tag lines) may utilize other colors upon approval by the sign administrator.

j. Such sign and its attachment to the building shall comply with all adopted building code requirements and be fully reviewed and inspected to assure that it is properly designed and attached to the building.

SECTION 3.

The Farragut Municipal Code, Chapter 109-Signs, Section 109-12., "Sign regulations by land use and/or zoning districts", Subsection (d) "Signs permitted for developments being used for multiple use buildings or multiple building complexes for commercial purposes, offices, or governmental facilities", Part (8) Projecting sign - Mixed-Use Town Center and Mixed-Use Neighborhood is hereby amended by adding the word "minor" following the term "Projecting sign" in the first sentence, said amended Part (8) to read as follows:

(8) *Perpendicular projecting sign, minor – Mixed-Use Town Center and Mixed-Use Neighborhood.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center and Mixed-Use Neighborhood land use areas, an individual tenant may be permitted one non-illuminated minor (blade or similar type) projecting sign near the principal entrance not to exceed four square feet in size. Such sign shall comply with adopted building code clearance requirements and shall be hung perpendicular to the building.

SECTION 4.

The Farragut Municipal Code, Chapter 109-Signs, Section 109-12., "Sign regulations by land use and/or zoning districts", Subsection (d) "Signs permitted for developments being used for multiple use buildings or multiple building complexes for commercial purposes, offices, or governmental facilities", is hereby amended by adding the following:

(13) *Canopy Sign – Mixed-Use Town Center Area.* Due to its emphasis on the pedestrian, within the Mixed-Use Town Center area each tenant within a multiple tenant development, with a qualifying canopy structure associated with their tenant space, shall be permitted one canopy sign, provided the following criteria are met:

a. Such a sign shall only be allowed in the place of an otherwise permittable wall sign.

b. Such a sign shall be located above and in the immediate vicinity of a primary public business entrance (*these signs* are intended to identify the public entranceway).

c. Such a sign shall be located so that a building elevation provides a backdrop for the sign. Such a sign can also not extend above the associated building's roof line.

d. The maximum permittable size (area) for such a sign shall be .75 square feet for each linear foot of tenant space based on width of the tenant space along the exterior of the building wall located behind and providing a backdrop for the canopy sign. Sign area shall be measured in the same manner as wall signs ("boxing" all sign elements).

e. The maximum permittable sign height (top to bottom of sign), including all sign elements, shall be 2 inches for each linear foot of exterior building wall height located

behind and providing a backdrop for the sign, up to a maximum of a 24-foot-high wall.

f. Such a sign shall be mounted on the canopy in a manner so that no sign element (lettering and/or logo) shall extend below the canopy fascia. In addition, no sign element shall extend above the canopy fascia to a height that obscures more than 20 percent of a window located on a wall behind the sign.

g. Such a sign shall be restricted to channel type individual letter/numeral elements, provided however, that minor secondary sign elements, such as logos and tag lines, may be allowed to utilize cabinet pill box designs provided, they are clearly subservient to the larger sign and are located/mounted in a visually unobtrusive manner (typically to the canopy fascia).

h. Sign lighting may be face lit, halo/reverse lit, or externally lit.

i. The color of channel lettering (main) shall be limited to white, black, or solid silver/gray/natural aluminum. This shall include all returns and other components. Night lighting for such lettering shall be white. Secondary sign elements (logos and tag lines) may utilize other colors upon approval by the sign administrator.

j. Sheet backer panels shall not be permitted to extend above or below the canopy fascia, individual channel letters extending above the canopy fascia may have individually cut backers corresponding to the letter. Raceways, powered or unpowered, shall be mounted in an unobtrusive manner on or behind the canopy fascia.

k. Such a sign and canopy shall comply with adopted building code requirements and be fully reviewed and inspected to ensure that the canopy structure can support the proposed sign and the sign is adequately secured to said structure.

(14) *Perpendicular projecting sign, major – Mixed-Use Town Center*. Due to its emphasis on the pedestrian and a more urban development form, within the Mixed-Use Town Center area, a business/building may be permitted one major ("2nd" story) projecting sign, provided the following criteria are met:

a. Such a sign shall only be allowed in the place of an otherwise permittable wall sign. Where a business, because of its location, is permitted two wall signs, they may choose to mount both the perpendicular projecting sign and their second permissible wall sign on the same building elevation.

b. The sign is attached to the building and is mounted so that the face of the sign is perpendicular to the building wall and to the normal flow of street and foot traffic.

c. The maximum permittable size (area) for such a sign shall be .75 square feet for each linear foot of tenant space based on width of the tenant space along the exterior of the building wall/elevation upon which the sign is mounted. Sign area shall be measured in the same manner as wall signs (including the "boxing" all sign elements where applicable).

d. The sign shall not project more than 48 inches from the building wall, including mounting brackets and similar components (these signs are intended to display their message vertically with the building wall and be longer/taller than they are wide).

e. The sign must be mounted above the first story/ground floor (or what appears to be the first story) of the building, including all first story/ground floor windows and architectural building elements defining the boundary/transition between the first and second stories, and/or be at least 10 feet above the sidewalk grade, whichever is the greater.

f. The sign cannot extend above the top of the building wall (including parapets) and/or any building cap elements including but not limited to decorative architectural cornices.

g. The sign cannot project beyond/across the property/right-of-way line, and must be clear of any overhead utilities, easements, and/or associated maintenance zones. Where overhead utilities are present (including cellular facilities), the relevant utility provider must provide written documentation that the proposed sign's location does not create a conflict with their facilities.

h. Sign lighting may be internal face lit or halo/reverse lit. Signs may be solid opaque panel construction with either mounted channel letters or with routed and backed letters (only the lettering and associated logos and other approved sign elements may be lit). Such panels shall be white, black, or solid silver/gray/natural aluminum in color.

i. The color of lettering (main) shall be limited to white, black, or solid silver/gray/natural aluminum. This shall include all returns and other components where individual channel type letters are used. Night lighting for such lettering shall be white. Secondary sign elements (logos and tag lines) may utilize other colors upon approval by the sign administrator.

j. Such a sign and its attachment to the building shall comply with all adopted building code requirements and be fully reviewed and inspected to ensure that it is properly designed and attached to the building.

SECTION 5.

This ordinance shall take effect from and after its final passage and publication, the public welfare requiring it.

_____
Ron Williams, Mayor

_____
Allison Myers, Town Recorder

Certified to the Farragut Board of Mayor and Aldermen this _____ day of _____, 2024, with approval recommended.

_____
Scott Russ, Chairman

_____
Shannon Preston, Secretary

FARRAGUT MUNICIPAL PLANNING COMMISSION

MEETING DATE: May 16, 2024 **AGENDA ITEM #8**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion on a request to amend the Farragut Zoning Map for Parcel 15402, Tax Map 130, west of the Cotton Eyed Joe's, from C-2 to OD-RE/E, 3.1 Acres (Cox Universal Group, Applicant)

INTRODUCTION AND BACKGROUND: This item is for discussion purposes only and involves a request to rezone the property where the former West Park Inn had been located prior to it being demolished (please see attached map). The property is currently zoned Regional Commercial (C-2) and the applicant would like to rezone the property to the Outlet Drive Regional Entertainment and Employment District (OD-RE/E).

DISCUSSION: The applicant would like to construct a four-story hotel on the property and the OD-RE/E provides for a lower masonry percentage that would help make the project economically viable. For a building exceeding two stories and 25,000 square feet, the net façade area of the building must be at least 25% masonry. In contrast, the C-2 District requires that the net façade area of the building must be at least 75% masonry.

When the OD-RE/E District was created, the lower masonry percentage on larger buildings considered the overall Outlet Drive corridor and the fact that a vast majority of the buildings along the corridor, much of which is not within the Town, did not include a high percentage of masonry materials. This part of the Town is also abutting the Interstate and is physically separated from the majority of the Town.

RECOMMENDATION: The applicant's desire to construct a hotel on the property being requested for a rezoning is consistent with the OD-RE/E District and a hotel would help support the Town's tourism program. When this item is presented for a vote, the staff will be recommending approval. The staff is also reaching out to the owners of Cotton Eyed Joes and the former Outlet Mall to see if they would wish to be included in this rezoning since those developments would be compatible with the OD-RE/E District.

farragut TENNESSEE

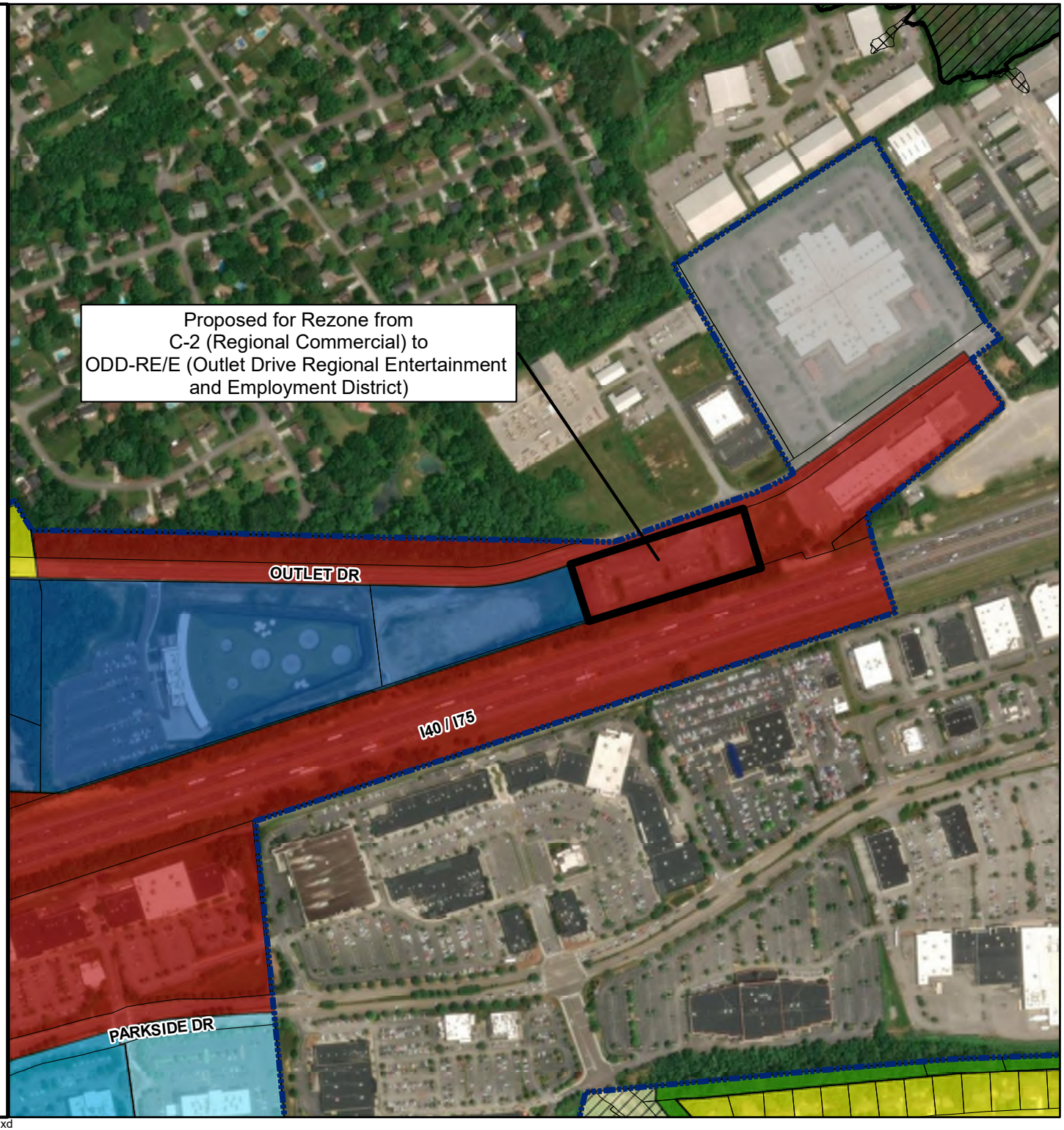
Rezone of 0 Outlet Drive
Parcel 154.02, Tax Map 130

Proposed for Rezone from
C-2 (Regional Commercial) to
ODD-RE/E (Outlet Drive Regional Entertainment and Employment District)

Legend

- 100 year Flood Zone
- 500 year Flood Zone
- Parcels
- Subject Area
- B-1, Buffer
- R-2, General Single-Family Residential
- R-1/OSR, Open Space Residential Overlay
- O-1-3, Office, Three Stories
- O-1-5, Office, Five Stories
- Outlet Drive Regional Entertainment and Employment District
- C-2, Regional Commercial
- C-2-R/W, Regional Commercial, Retail/Warehousing

1 in = 500 ft



Document Path: G:\Farragut\Map Documents\2024\Parcel Rezone OutletDr.mxd

MEETING DATE: May 16, 2024 **AGENDA ITEM #9**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion on an amendment to the development concept plan for the commercial portion of the Kingston Pike Village/Farragut Junction Planned Commercial Development (PCD) project at the southwest intersection of Kingston Pike and S. Watt Road (Daniel Smith, Applicant)

INTRODUCTION AND BACKGROUND: This item is for discussion purposes only and involves the commercial portion of the Planned Commercial Development (PCD) at S. Watt Road and Kingston Pike. As you may recall, in addition to the multi-family portion of the project, which is now nearing completion, the original PCD Development Plan that was approved with the rezoning for this project included a grocery store and two retail buildings along Kingston Pike to the west of Little Joes Pizza.

DISCUSSION: The grocery store did not proceed, and the applicant has been working on different concepts for this portion of the PCD. They have developed two options at this point that they would like to discuss with the Planning Commission. These options were most recently reviewed at the staff/developer meeting on April 30.

One of the options includes retail/office buildings with tenant spaces ranging from 2,520 square feet to 5,250 square feet. The building nearest Kingston Pike also includes a proposed drive-through to the south and east side of the building. In the PCD Zoning District, uses that are automobile oriented, such as fuel centers, drive-throughs, automobile services, retail rental and leasing of automobiles, etc., are required to be arranged so that they are situated internal to the development. As proposed, the envisioned drive-through would require a text amendment since this portion of the project is not internal to the development. This drive-through element is included in both of the applicant's concepts and the Planning Commission will need to provide input on this specifically since, as noted above, it would require an ordinance amendment.

The second option includes the same building and drive through nearest Kingston Pike and two retail/restaurant buildings 5,600 and 7,700 square feet respectively. There are also two mixed use buildings shown as three stories. The applicant has worked with this type of building in downtown Knoxville. Included in the packet are some images of what these three-story buildings may generally look like. They would be constructed and restricted to being only non-residential on the first floor with a greater floor height and significant transparency. The other two floors could be office or residential. A concern in the past has been adding any more residential in this PCD. This will need to be discussed in relation to this item.

These two concepts are very preliminary, and the staff has encouraged the applicant to develop more common gathering spaces and pedestrian connections in the transitional area between the multi-family portion of the project and the commercial portion of the project. Both concepts would be considered as

major changes and will require an amended development plan approval from both the Planning Commission and the Board of Mayor and Aldermen. In reviewing these options, the staff would encourage the Commission to refer to the objectives that are included in the beginning of the text associated with the Planned Commercial Development District (PCD). Of particular importance is the objective of creating a "sense of place" that would not be possible through the application of conventional zoning and subdivision standards. From the staff's perspective, both concepts would still have some work to do to achieve this particular objective. It would be recommended that the applicant engage a designer that specializes in placemaking to help this project achieve its full potential.

LOT #1
10,220sf Total

7,700sf RETAIL/OFFICE
2,520sf DRIVE-THRU
(63) PROVIDED PARKING SPACES
(6+ CARS PER 1,000sf)

LOT #2
27,800sf Total

18,000sf RETAIL/OFFICE
9,800sf RETAIL/RESTAURANT
(197) PROVIDED PARKING SPACES

BUILDING NORTH

MAGNETIC NORTH

0' 50' 100' 200'

PROPOSED DEVELOPMENT

1

SCALE : 1" = 50'-0"

MBI

SK01 - SITE LAYOUT

231505
03/21/2024

MASTER PLANNING FOR KINGSTON PIKE VILLAGES

SWQ of Kingston Pike and S. Watt Road,
Farragut, TN 37934

LOT #1
10,220sf Total

7,700sf	RETAIL/OFFICE
2,520sf	DRIVE-THRU
(80)	PROVIDED PARKING SPACES (6+ CARS PER 1,000sf)

LOT #2
86,260sf Total w/2-Story Residential

48,640sf	2-STORY RESIDENTIAL
37,620sf	1-STORY RETAIL/RESTAURANT
(261)	PROVIDED PARKING SPACES

PROPOSED DEVELOPMENT - ALTERNATE SCHEME

1

SCALE : 1" = 50'-0"

MBI

SK01- ALTERNATE SITE LAYOUT

231505-ALT
05/03/2024

MASTER PLANNING FOR KINGSTON PIKE VILLAGES

SWQ of Kingston Pike and S. Watt Road,
Farragut, TN 37934

CLEANERS
verde

STIR

MEETING DATE: May 16, 2024 **AGENDA ITEM #10**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion on amendments to the Farragut Code of Ordinances, Chapter 22 - Article 5. Driveways and Other Access Ways, Section 22-147. Traffic Impact Study Requirements, to provide for additional considerations for pedestrians and bicyclists (Town of Farragut, Applicant)

INTRODUCTION AND BACKGROUND: During the Board of Mayor and Aldermen Strategic Planning Retreat, one of the top priorities under the "Advancing a High-Quality and Well-Maintained Community" critical success factor in the Town's Strategic Plan was to amend the Traffic Impact Study Requirements in the Driveways and Other Access Ways Ordinance to include pedestrian safety.

DISCUSSION: This item is for discussion purposes only and a draft of proposed modifications to the existing Traffic Impact Study requirements is included in the packet. The main objective is to ensure that, where traffic impact studies are required, consideration is given to pedestrians and bicyclists. This would include evaluating existing facilities and addressing any impacts that may result from the action (rezoning, site development, subdivision development, etc.) that required the traffic impact study.

In developing the proposed modifications that are included in the packet, the staff reviewed similar provisions in other communities and the language proposed is consistent with these other communities.

(NOTE: changes are shown in red and strikethroughs)

Sec. 22-147. Traffic impact study requirements

(a) *Generally.*

(1) The submission of a traffic impact study shall be required with rezoning, site plan and preliminary plat requests in accordance with the following table:

24-Hour Trip Generation	Traffic Study Scope
0—750 ADT	Level I
750—6,000 ADT	Level II
> 6,000 ADT	Level III

(2) Trip generation rates for proposed uses shall be calculated using the ITE Trip Generation Manual, 5th (or latest) edition.

(3) Upon being provided proof by the developer's traffic engineer that a lower level traffic impact study would be adequate for a proposed development, or that a traffic study is not warranted, the town engineering staff may reduce the level of study required or waive the requirement.

(b) *Traffic impact study guidelines and procedures.*

(1) These traffic impact study guidelines and procedures define when proposed rezoning, site plans and preliminary plat requests warrant a detailed traffic study and what information should be included in it. All applicants will be required to follow the town guidelines.

(2) The purpose of performing a traffic impact study, as defined by the institute of traffic engineers (ITE), is to:

a. Provide guidance for short term and long term planning of site access;

b. Provide guidance for on-site circulation and the interface between on-site circulation and off-site traffic;

c. Provide guidance for off-site improvements needed to permit the roadway system to function satisfactorily so as to accommodate site and non-site traffic;

d. Provide guidance on measures to improve the safety and efficiency of pedestrian and bicycle facilities impacted by the proposed action for which the traffic impact study is being prepared.

e. Assist developers and land owners in making land use site planning decisions regarding traffic;

f. Identify the contribution a particular development makes to roadway system traffic volumes;

g. Provide a basis for estimating roadway improvement requirements attributable to a particular project;

h. Assess the compatibility with local transportation plans;

i. Enable staff to better evaluate zoning changes and development plans; and

j. Allow appointed and elected officials to know implications of their voting decisions.

(c) *Scope of required traffic impact studies.* Three levels of study have been identified based on the number of trips that a development is projected to generate in a 24-hour period:

(1) Level I studies require analysis of each access, per engineering staff, that the development has to an existing roadway. Access points to be analyzed include public and private roads, joint permanent easements, and private drives.

(2) Level II studies require analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where a traffic control device does not exist, engineering staff will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, engineering staff will determine if the ramps need to be included in the study. This level of study is commonly required for larger residential subdivisions, commercial developments, and office complexes.

(3) Level III studies require a complete traffic impact study. This study must address each access point, the first control point beyond each access point, and the nearest collector intersection or street of higher classification or as determined by the engineering staff. The exact area to be studied will be determined by the engineering staff with input from the study preparer. Level III studies are uncommon, as they are usually warranted only with very large mixed-use and commercial developments.

(d) *Submission and review procedures for traffic impact studies.*

(1) Applicants should conduct a preliminary trip generation assessment of any proposed rezoning, site plan or preliminary plat request to determine if a traffic impact study will be required. This preliminary assessment should be conducted well in advance of the actual submission of plans.

(2) If the preliminary assessment indicates that a traffic impact study will be required, the applicant should consult as early as possible in the plan-development process with the town's engineering staff to verify a development's projected trip generation, and to confirm whether or not a study will be required. If a study is required, the required level can be determined at that time.

(3) The applicant shall then select a licensed traffic or transportation engineer to prepare the study, who may need to consult with the engineering staff periodically to review the collected data and any assumptions made in the draft report.

(4) ~~Four copies~~ An electronic copy of the completed draft traffic impact study shall be submitted along with the development application and all other materials required for submission.

(5) The engineering staff shall review the draft traffic impact study in conjunction with the other elements of the development application. If the draft traffic impact study is not of the proper scope or is executed improperly, the applicant shall be notified of the deficiencies and be required to submit corrections on the same schedule that applies to the other elements of the development application. Failure to submit corrections in a timely manner may lead to a postponement of the application until the next regularly scheduled planning commission meeting.

Since a completed traffic impact study must be submitted at the same time as the application for a development, it is critical that the applicant conduct steps one through three early in their planning of a proposed development. Failure to submit a traffic impact study, or submission of an inadequate study, is likely to slow the review process and may lead to postponements.

(e) *Required qualifications for preparers of traffic impact studies.* Traffic impact studies shall be prepared under the supervision of a qualified engineer who has specific training in traffic and transportation engineering and experience related to preparing traffic studies for existing or proposed developments. The study shall be signed and sealed by the supervising engineer. The ability to forecast and analyze traffic needs for both developments and roadway systems is essential. All design work implementing the recommendations of the traffic impact study shall be completed under the supervision of a registered professional engineer. The engineer preparing the traffic impact study shall have the expertise to determine that the proposed project,

with recommended modifications provided in the traffic impact study, will improve safety for pedestrians and bicyclists. This shall specifically be addressed in the traffic impact study.

(f) *Required specifications for traffic impact studies.*

(1) *Report requirements: Level I studies.*

a. *Intersection.*

1. Description of site including a location map.
2. Type of project.
   - (i) If residential, number and type of units.
   - (ii) If commercial or office, include square footage and occupancy.
3. Site plan with access points shown to scale.

b. *Existing conditions.*

1. Distance from nearest intersection in both directions.
2. Distance to nearest drive or access points in both directions.
3. Location shown relative to opposing street, driveways, or access points.
4. Existing pedestrian and bicycle facilities in the study area.

c. *Proposed conditions.*

1. Width, radius, and markings of proposed street, driveway, or access point.
2. Proposed improvements adjacent to access point, including, but not limited to, acceleration, deceleration lanes, and pavement marking adjustments.
3. Additional pedestrian and bicycle facilities or modifications to existing facilities to improve safety and/or user experience.
4. Improvements to pedestrian crossings to lessen potential conflicts with motorists.

(2) *Report requirements: Level II studies.*

a. *Introduction.*

1. Description of site including a location map.
2. Type of project.
   - (i) If residential, number and type of dwelling units.
   - (ii) If commercial or office, square footage and type of occupancy.
3. Map of project with proposed access points shown.

b. *Existing conditions.*

1. Directional traffic counts on roads adjacent to property with access to development: Traffic counts should be no more than one year old.
2. Level of service of intersections (if applicable):

(i) Highway capacity software is recommended.

(ii) Other nationally recognized software can be used.

3. Existing pedestrian and bicycle facilities in the study area.

c. *Trip generation rates.*

1. Listing of trip generation rates.

2. Listing of sources for rates used.

(i) ITE 5th Edition of Trip Generation or latest edition.

(ii) If the type of proposed development is not addressed in the ITE manual, then other rates may be used as long as they are documented and have been approved by engineering staff.

3. Calculation of trip ends by type of generator.

(i) Traffic generated by phase.

(ii) 100 percent occupancy and development.

4. An assessment of whether site-generated traffic will have any adverse impacts to pedestrians and/or bicyclists.

d. *Trip distribution.*

1. Assumptions as to the directional distribution of traffic to and from the development.

2. Assumptions as to the peak hour percentages.

3. Assumptions as to the peak hour directional splits.

4. Assumptions as to the pass-by trips, if applicable, must be approved by engineering staff.

5. An assessment of whether modifications to site generated trip distribution will have any adverse impacts to pedestrians and/or bicyclists.

e. *Analysis.*

1. Level of service (LOS) and capacity analysis for peak periods.

(i) Compute the projected LOS and capacity analysis for each access point and control point to the adjacent road system based on the development by phase.

A. Highway capacity software is recommended.

B. Other nationally recognized software can be used.

(ii) Compare LOS before development to LOS after development if applicable.

(iii) Link analysis if applicable.

2. Intersection and roadway geometry; existing and proposed.

(i) Distances from existing streets, driveways, and/or median cuts.

(ii) Alignment with existing streets, driveways, and/or median cuts.

(iii) Intersection layouts.

(iv) Sight distance.

(v) Right-of-way width.

(vi) Lane width.

3. Site circulation.

4. Pedestrian facilities.

(i) Sidewalks, walking trails.

(ii) Crosswalks, pedestrian signal timing, crossing distance.

(iii) Transit stops.

(iv) School bus stops.

5. Bicycle facilities.

f. *Recommendations.*

1. Site access.

2. Intersection improvements.

(i) Traffic control devices: modify existing or need for new.

(ii) Left and/or right turn lanes.

(iii) Acceleration and/or deceleration lanes.

(iv) Length of storage bays.

(v) Additional pedestrian and bicycle facilities or modifications to existing facilities to improve safety and/or user experience.

(vi) Improvements to pedestrian crossings to lessen potential conflicts with motorists.

3. Off-site improvements.

(i) Modification to existing traffic control devices.

(ii) Additional traffic control devices.

(iii) Additional lanes at major intersections.

(iv) Additional roads.

(v) Additional pedestrian and bicycle facilities or modifications to existing facilities to improve safety and/or user experience.

(vi) Improvements to pedestrian crossings to lessen potential conflicts with motorists.

4. Improvements by phasing (if applicable).

g. *Appendix.*

1. Raw traffic count data.

2. Documentation of analysis.

(3) *Report requirements: Level III studies.* In addition to the preceding information for Level I and II, the following information on trip assignment shall be provided in the report prior to the analysis and recommendation section:

Trip assignment.

1. Show existing ADTs, proposed development traffic, and total traffic for all affected links on map which identifies the project and surrounding roads.
2. Show a.m. and p.m. peak hour turning movements for the existing traffic, the proposed development traffic, and the combined traffic at all project entrance intersections, and effected intersections within the study area.
3. Discuss the effects of phasing of the proposed project.

(g) *Additional information.* Additional information on traffic impact studies can be obtained from the Institute of Transportation Engineers (ITE), among other reputable sources. ~~Traffic Access and Impact Studies for Site Development: A Recommended Practice by the Institute of Transportation Engineers.~~

(Code 2007, § 16-403; Ord. No. 96-30, 1-1997; Ord. No. 14-18, § 3, 12-11-2014)

MEETING DATE: May 16, 2024 **AGENDA ITEM #11**

REPORT TO THE FARRAGUT MUNICIPAL PLANNING COMMISSION

PREPARED BY: Mark Shipley, Community Development Director

SUBJECT: Discussion of a draft Vision Plan for the Town Center portion of the Town (Town of Farragut, Applicant)

INTRODUCTION AND BACKGROUND: In the Town of Farragut Strategic Plan, one of the priorities under the "Advancing a High-Quality Built Environment" critical success factor is to make updates to the Comprehensive Land Use Plan (CLUP). The CLUP is used frequently to help guide various implementation measures and zoning map amendment requests. The Town staff has also worked with the community in the past few years to review different priority areas in the Town to determine if the policies and mapped future land uses were still applicable and, if not, what changes would be recommended. Amendments have been made to the plan and associated maps for the completed priority areas. The next area planned for review was the Mixed-Use Town Center (MUTC).

When the CLUP was updated in 2012 and a future land use map was first created, the area around the intersection of Kingston Pike and Campbell Station Road from Glen Abbey Boulevard to Concord Road was identified as a possible location for a town center. Since the Town is relatively young and was founded in 1980 it does not have a traditional downtown. This desire for a "downtown" has been expressed throughout the Town's history and noted in previous vision and land use plans. The CLUP that was updated in 2012 included "Bringing About a Downtown" as one of eight key strategies for the Town to pursue.

Given the historical importance of pursuing a town center, the idea of using an outside consultant to guide the visioning process as it applies to the MUTC was suggested. The Board of Mayor and Alderman allocated money in the budget to provide for this. After conducting an RFQ process, at the May 25, 2023 Board of Mayor and Aldermen (BMA) meeting, the BMA awarded a professional services agreement to Tunnell-Spangler & Associates (TSW) to prepare a vision plan for the MUTC.

DISCUSSION: The vision plan process was initiated in June of 2023 and has included a robust community engagement component consisting of two steering committee meetings, five stakeholder group interviews, two rounds of community surveys (with over 1,500 responses), and four community workshops that were well attended. The plan has evolved based on community input. The majority of the input has consistently indicated that having a town center is still very much a community desire. The consultant has proceeded to develop a Mixed-Use Town Center Vision Plan (Vision Plan) that is intended to provide the community with options for this portion of the Town. The Vision Plan includes various elements that are intended to foster the continued evolution of a downtown area that differentiates itself from its surroundings and is identified as the community's core.

The Vision Plan that is included for this agenda item contains five chapters. Chapter 1 is an analysis of existing conditions, Chapter 2 includes a market analysis, Chapter 3 reviews the public outreach process that was used, Chapter 4 includes recommendations, and Chapter 5 addresses implementation.

RECOMMENDATION: This item is for discussion purposes only. The staff will provide a brief overview of the Vision Plan and open the discussion to any comments or questions so that these can be addressed and incorporated into a revised Vision Plan ready for a vote at the June Planning Commission meeting.

The Vision Plan can be viewed at the following link:
http://www.townoffarragut.org/TownCenterVisionPlan