



**CITY OF BELLE MEADE
BOARD OF COMMISSIONERS
SUPPLEMENTAL DOCUMENTS AGENDA PACKET
AUGUST 21, 2024, 04:00 PM**



**AGENDA BOARD OF COMMISSIONERS
SUPPLEMENTAL DOCUMENTS
AUGUST 21, 2024, 04:00 PM
BELLE MEADE CITY HALL, 4705 HARDING PIKE**

I. ADMINISTRATION

A. KCI Technologies Professional Services Agreement Supplemental Information
Conceptual Design Sheets for Belle Meade Boulevard Pedestrian Safety Project

Attachment: [KCI revised Pedestrian Path Preferred Alternate.pdf](#)

II. LEGISLATION

A. Ordinance 2024-13 - Stormwater, Supplemental Documents

Draft Copies of new municipal code text, collectively known as the "Stormwater Ordinance", addressing stormwater regulations, stormwater user fee, and floodplain management; attachments include a 1) tracked changes version of the draft ordinance; 2) new draft without tracked changes; 3) new exhibit A documents

Attachment: [ord.2015-8 Stormwater Ordinance TrackedChanges.pdf](#)

Attachment: [ord.2015-8 Stormwater Ordinance AcceptedChanges.pdf](#)

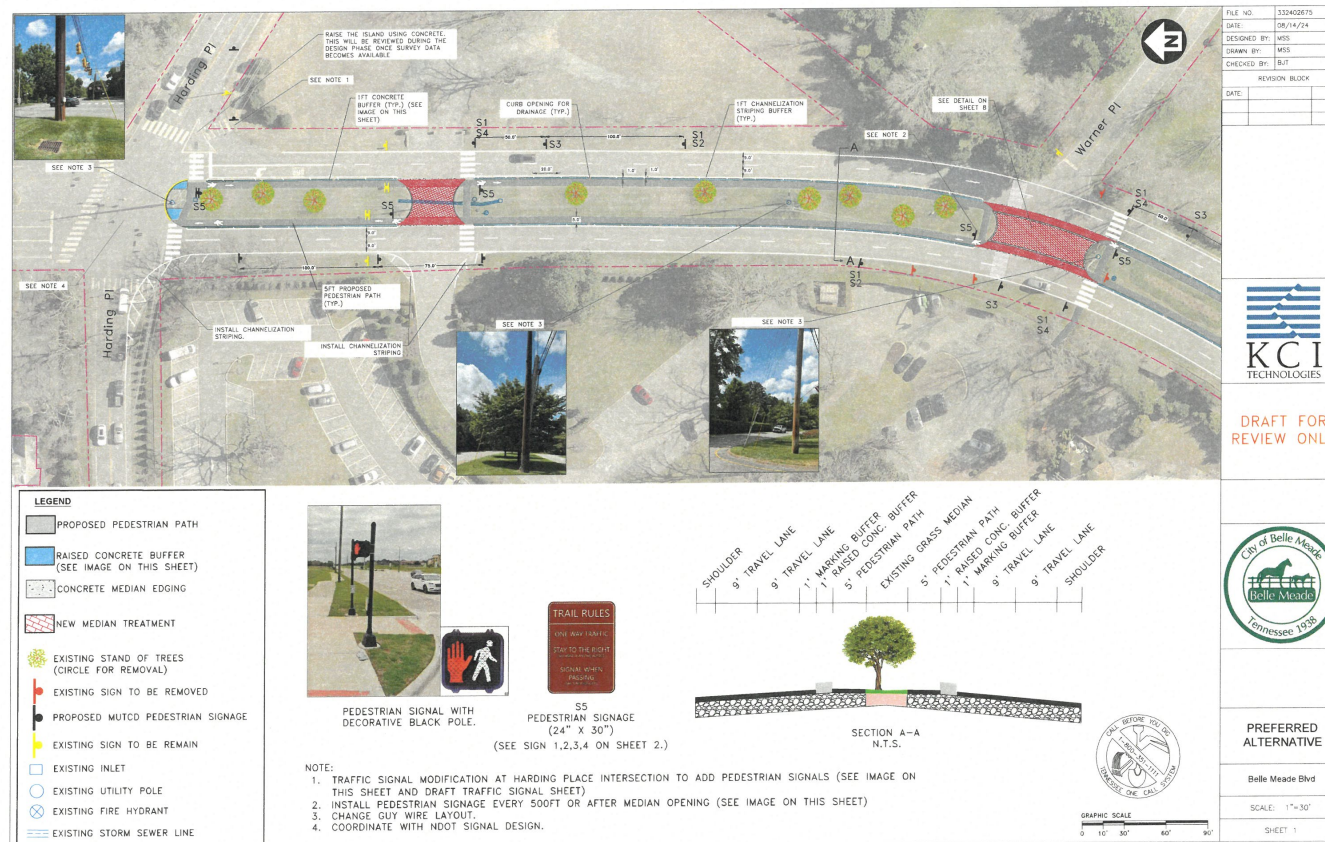
Attachment: [Belle Meade LDP App and Checklist AcceptedChanges.pdf](#)

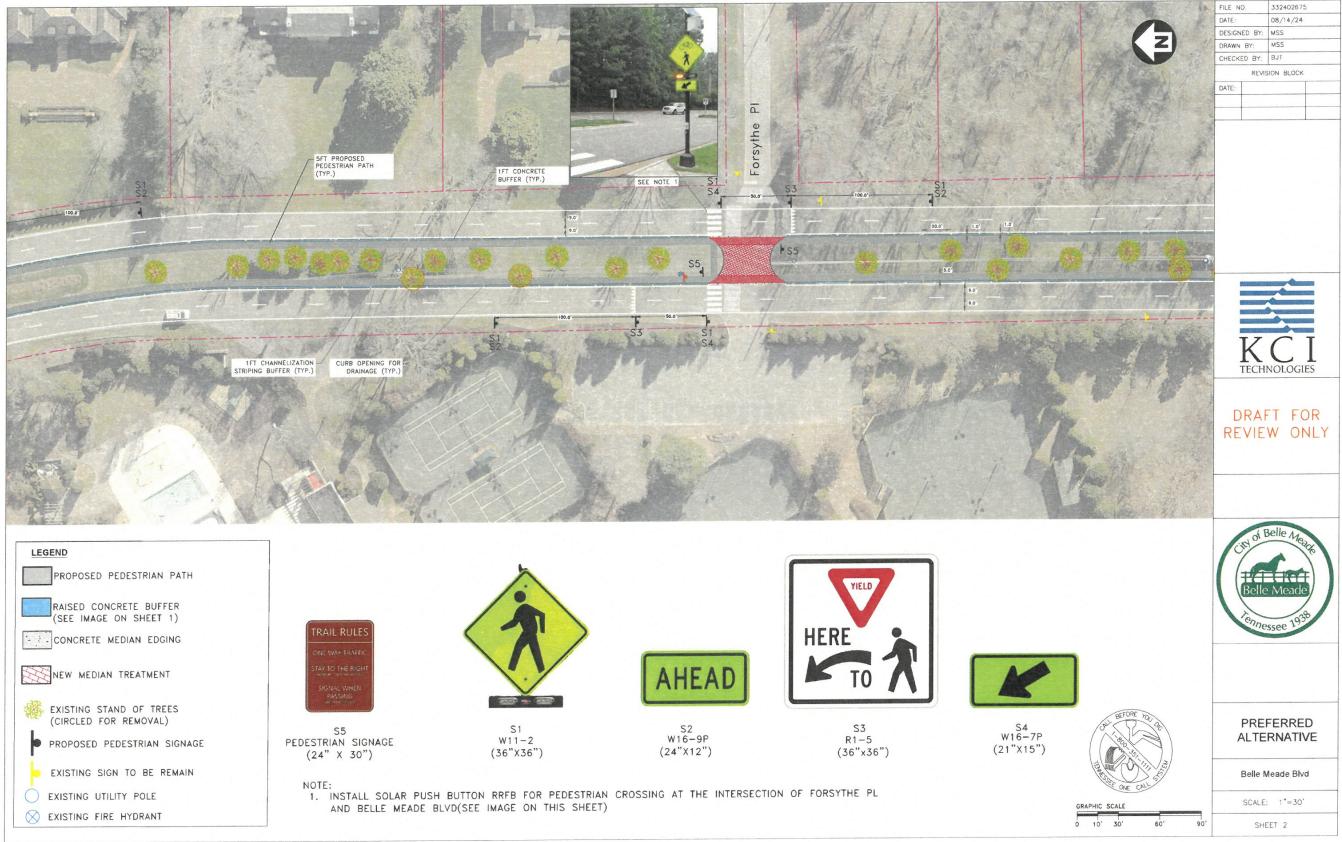
B. Ordinance 2024-14- Zoning Ordinance, Supplemental Documentation

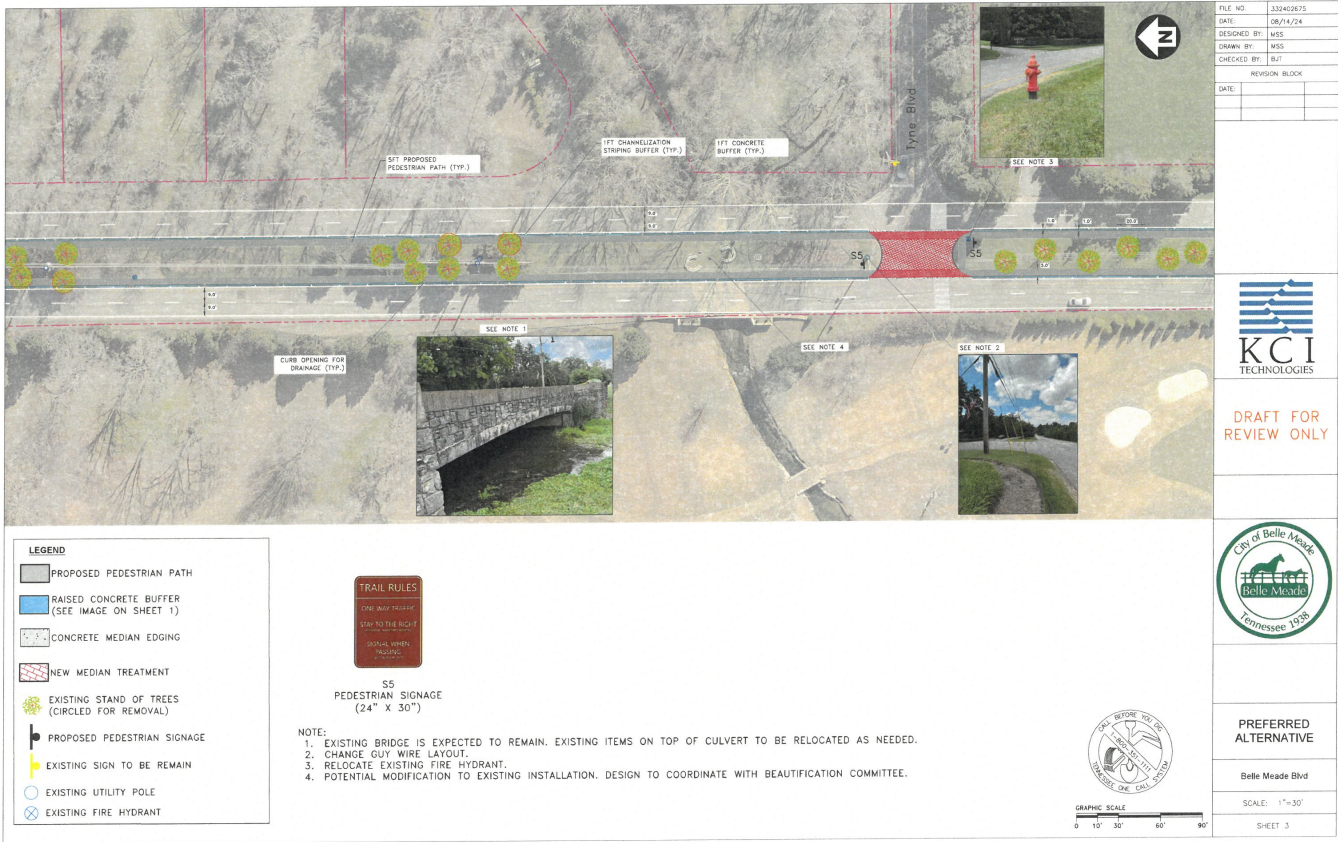
Draft copy of the new zoning ordinance text

Attachment: [ORD - ZONING DRAFT FROM MPC TO BOC.pdf](#)

Attachment: [Belle Meade Zoning Map DRAFT 2024.pdf](#)





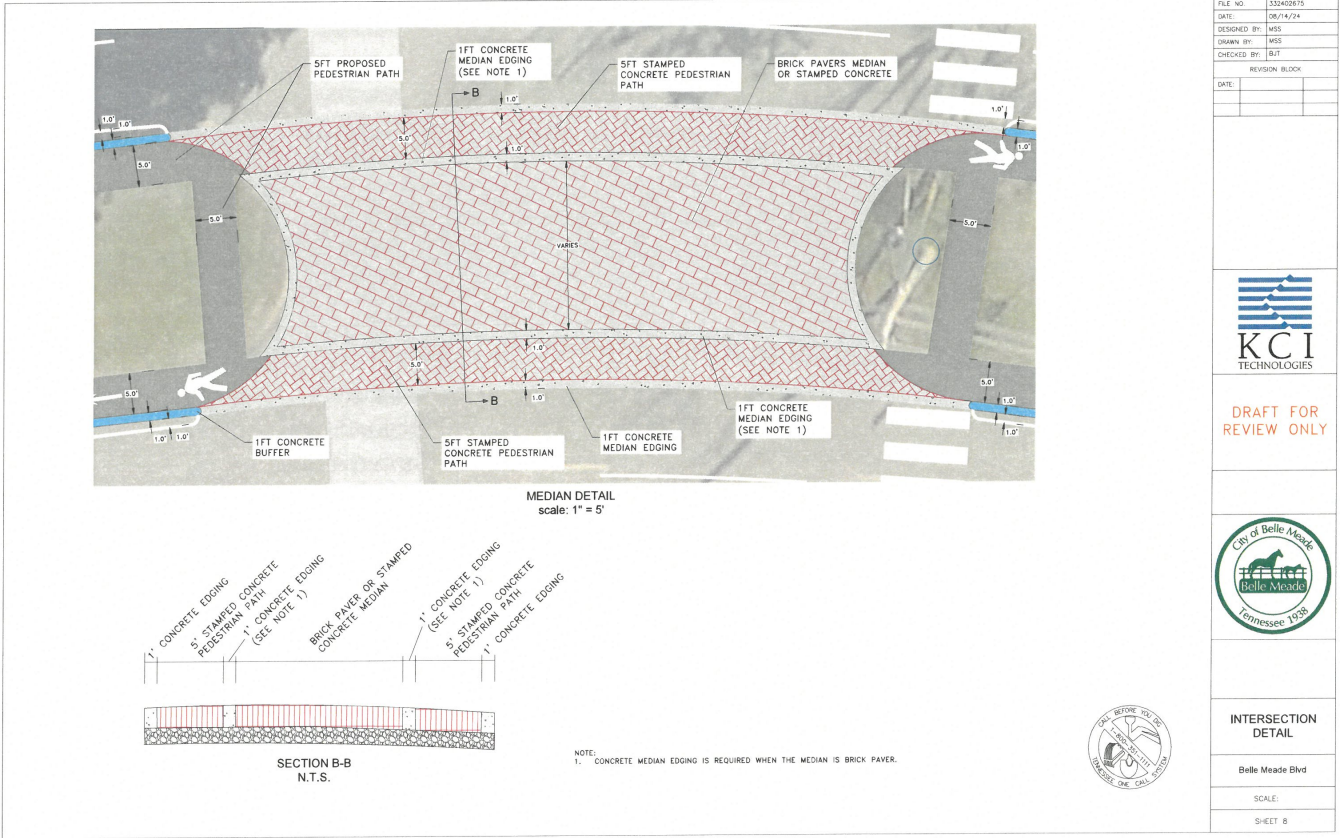


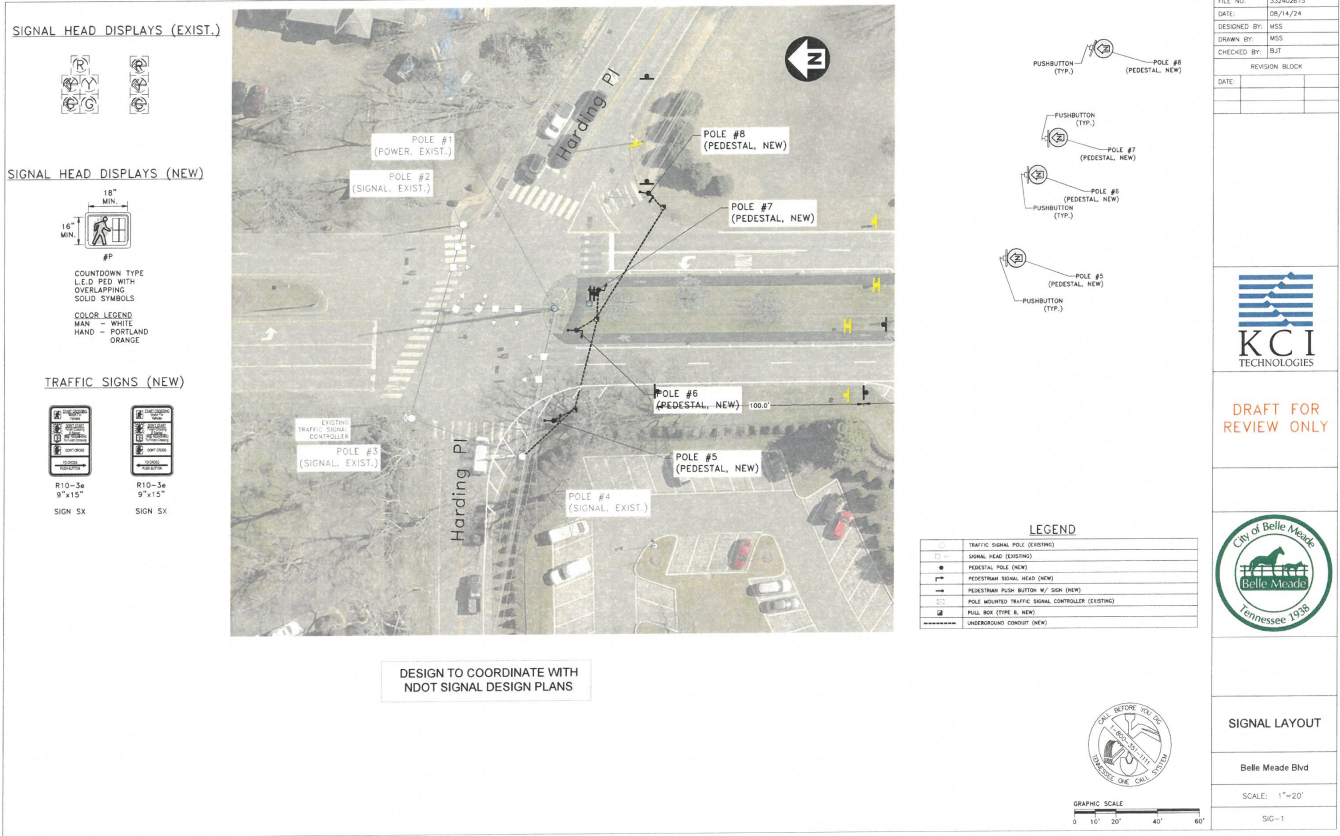












CHAPTER 2
STORMWATER ORDINANCE

12-201. General provisions.

- (1) Purpose. -It is the purpose of this ordinance to:
- (a) Protect, maintain, and enhance the environment of the City of Belle Meade and the public health, safety, and the general welfare of the citizens of the Ccity, by controlling discharges of pollutants to the Ccity'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 Ccity;
 - (b) Enable the City of Belle Meade to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges;
 - (c) Allow the City of Belle Meade 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 Ccity, whether or not owned and operated by the Ccity;
 - (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-pollutants~~ as may be necessary to protect water quality;
 - (iv) Review and approve plans and plats for stormwater management- ~~for properties throughout the City in proposed subdivisions or commercial developments, and any proposed land disturbing activities requiring a land disturbance permit;~~
 - (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 City of Belle Meade shall administer the provisions of this ordinance, ~~through the City Building Official and the Public Works Director.~~
- (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 implement to facilitate the necessary control of stormwater.

12-202. Definitions.

For the purpose of this ordinance, 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 Ccity declares that any person violating the provisions of this chapter may be assessed a civil penalty by the Ccity 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.

(1) _____

- (2) “Aquatic Resources Alteration Permit” (ARAP) is a permit required to make an alteration to a stream, river, lake, or wetland. Physical alterations to properties of Waters of the State require an ARAP or a §401 Water Quality Certification (§401 certification). Examples of stream alterations that require a permit from the Division include:

- (a) Dredging, excavation, channel widening, or straightening;
- (b) Bank sloping and/or bank stabilization;
- (c) Channel relocation;
- (d) Water diversions or withdrawals;
- (e) Dams, weirs, dikes, levees, or other similar structures;
- (f) Flooding, excavating, draining, and/or filling a wetland;
- (g) Road and utility crossings; and
- (h) Structural fill.

General ARAPs are developed and maintained by the Division to provide a streamlined, expedited means of authorizing projects that singularly or cumulatively proposed minor impacts to water resources.

- (3) “As-Built” or “Record drawings” means a set of drawings and documents that delineate and describe the as-built condition of stormwater control measures and stormwater management facilities as actually constructed, including but not limited to elevation, size, type, slope, location, etc. These drawings and associated documents shall be prepared by a registered professional engineer or registered landscape architect that is familiar with the city-approved stormwater management plan for the property and may be based on as-built survey information prepared by a registered land surveyor.

- (2) “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 Wwaters of the Sstate. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs include source control practices (non-structural BMPs) and engineered structures designed to treat runoff. Where structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site and non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.

(4) _____

- (3) “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 for the purpose of this ~~permit~~Ordinance.

(5) _____

(4) ~~“Buffer Zone” or “Water Quality Riparian Buffer” means a setback from the top of water body’s bank of undisturbed vegetation, including trees, shrubs and herbaceous vegetation; enhanced or restored vegetation; or the re-establishment of native vegetation bordering streams, ponds, wetlands, springs, reservoirs or lakes, which exists or is established to protect those water bodies. 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. Buffer zones are not primary sediment control measures and should not be relied on as such.~~

(6) _____

(5) ~~“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.~~

(6) ~~“City Building Official” and/or “Public Works Director” means the City of Belle Meade, City Building Official working in conjunction with the City Public Works Director, each of whom has authority to enforce the provisions of this stormwater ordinance, Title 12, Chapter 2 of the Code of the City of Belle Meade, and each of whom has the authority to delegate to designated City staff or the staff of the City’s designated engineering consultant.~~

(a) ~~The “City Building Official” and/or “Public Works Director” shall also act at the “City Inspector,” as that term is used herein, which means a person that has successfully completed (has a valid certification from) the “Fundamentals of Erosion Prevention and Sediment Control Level I” course or equivalent course.~~

(i) ~~This person performs inspections on behalf of the city to check compliance with the city’s requirements and performs enforcement activities.~~

(ii) ~~This person does not do the functions of an “Inspector” defined below.~~

(b) ~~As between the City Building Official and Public Works Director, they shall resolve in conjunction with the City Manager primary responsibility for matters addressed by this ordinance. With regard to private property, it is generally understood that the City Building Official has primary authority and responsibility. With regard to city property such as streets, right of ways and other MS4 conveyances, it generally understood that City Public Works Director has primary authority and responsibility.~~

(7) ~~“City” is the City of Belle Meade.~~

(8) ~~“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 powerlines for sight distance or other maintenance and/or safety concerns, or cold planning, 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.).~~

~~(7)~~(9) “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.

~~(8)~~(10) “Community water” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Belle Meade. It may be necessary to use methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17) to identify a community water.

~~(9)~~ “Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

~~(10)~~(11) “Design storm event” means a hypothetical storm event, of a given frequency interval and duration, ~~used in the analysis and design of a stormwater facility 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-year, 2-year, 5-year, 10-year, 25-year, etc.), in terms of either 24-hour depths or intensities for any duration, can be found by accessing the ~~following NOAA National Weather Service Atlas 14 data for Tennessee~~ data available at: https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html.

~~(11)~~ http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=tn. Other data sources may be acceptable with prior written approval by TDEC Water Pollution Control.

(12) “Discharge” means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

(13) “Disturbed area” means the total area presented as part of the development (and/or of a larger common plan of development or sale) subject to being cleared, graded, grubbed, filled or excavated during the life of the development. The area cannot be limited to only the portion of the total area that the site-wide owner/developer initially disturbs through the process of various land clearing activities or in the construction of roadways, sewers, drainfields, and water utilities, stormwater drainage structures, etc., to make the property marketable. ~~means to alter the natural or predeveloped ground surface in such a way that the erosion potential of the ground surface is increased.~~

~~(14)~~ “Division” means the Division of Water Resources of the State of Tennessee, Department of Environment and Conservation.

~~(14)~~(15) “Easement” means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

~~(15)~~(16) “Erosion” means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.

~~(17)~~ “Erosion prevention and sediment control plan (EPSC/PEPSC plan)” means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.

~~(16)~~(18) “Exceptional Tennessee Waters (ETWs)” are surface waters designated by the Division 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 designed as lands unsuitable for mining; waters with naturally reproducing trout; waters with exceptional biological diversity and other waters with outstanding ecological or recreational value.

~~(17) “Hotspot” means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. The following land uses and activities are deemed stormwater hot spots, but that term is not limited to only these land uses:~~

~~(18) vehicle salvage yards and recycling facilities~~

~~(19) vehicle service and maintenance facilities~~

~~(20) vehicle and equipment cleaning facilities~~

~~(21) fleet storage areas (bus, truck, etc.)~~

~~(22) industrial sites (included on Standard Industrial Classification code list)~~

~~(23) marinas (service and maintenance)~~

~~(24) public works storage areas~~

~~(25) facilities that generate or store hazardous waste materials~~

~~(26) commercial container nursery~~

~~(27) restaurants and food service facilities~~

~~(28) other land uses and activities as designated by an appropriate review authority~~

~~(29)~~(19) “Illicit connections” means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.

~~(30)~~(20) “Illicit discharge” means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §7(2).

~~(34)~~(21) “Improved sinkhole” is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC’s Underground Injection Control (UIC) program. 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).

~~(22)~~ “Land Disturbance Permittee Inspector” An inspector is a person with one of the following qualifications:

a. a valid certification for that has successfully completed (has a valid certification from) the “Fundamentals of Erosion Prevention and Sediment Control Level I” course, or equivalent course.

b. a registered professional engineer or landscape architect licensed in the State of Tennessee.

c. a Certified Professional in Erosion and Sediment Control (CPESC), or

d. a valid certification for “Design Principles for Erosion Prevention and Sediment Control for Construction Sites Level II” course.

-An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around Waters of the State;
- (b) update field SWPPP's;
- ~~(c)~~ conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial erosion prevention and sediment control (EPSC) measures have been installed per the city-approved plan(s); and
- ~~(e)(d)~~ Perform twice weekly inspections as described in the Tennessee Department of Conservation (TDEC) Construction General Permit (CGP) to verify and document the functionality and performance of the EPSC measure described in the EPSC plan and Stormwater Pollution Prevention Plan for all developments and redevelopments requiring a land disturbance permit as determined by this Ordinance; and
- ~~(d)(e)~~ inform the permit holder of activities that may be necessary to gain or remain in compliance with the TDEC Construction General Permit (CGP), Land Disturbance Permit, and other environmental permits.
- ~~(32)~~ *"Land disturbing activity" means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation*
- ~~(23)~~ *"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 substances; 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.*
- ~~(33)(24)~~ *"Maintenance" means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.*
- ~~(34)(25)~~ *"Maintenance agreement" means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.*
- ~~(26)~~ *"Municipal separate storm sewer system (MS4)" means the conveyances owned or operated by the city for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains, and where the context indicates, it means the municipality that owns the separate storm sewer system is defined in 40 CFR §122.266(b)(8) to mean a conveyance or system of conveyances (e.g., roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that are:*
 - (a) Owned and operated by the City;
 - (b) Designed or used for collecting or conveying stormwater;
 - (c) Not a combined sewer; and

~~(e)(d)~~ Not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR §122.2.

~~(35)(27)~~ "National Pollutant Discharge Elimination System permit" or a "NPDES permit" means a permit issued pursuant to 33 U.S.C. 1342.

~~(36)(28)~~ "Off-site facility" means a structural BMP-stormwater control measure located outside the subject property boundary described in the permit application for land development activity.

~~(29)~~ "On-site facility" means a structural stormwater control measure-BMP located within the subject property boundary described in the permit application for land development activity.

~~(37)~~—

~~(38)(30)~~ "Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

~~(31)~~ "Permanent stabilization" means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:

~~(a)~~ 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;

~~(b)~~ 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; or

~~(c)~~ 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.

~~(32)~~ "Person" means any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

~~(33)~~ "Point source (or outfall)" means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure 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.

~~(34)~~ "Pollutant" means sewage, industrial wastes, or other wastes.

~~(39)(35)~~ "Priority area" means any non-residential area located within the City.

~~(36)~~ "Priority construction activity" means land disturbance and/or construction activities discharging directly into, or immediately upstream of, waters of the state recognized as unavailable parameters for siltation/sedimentation or Exceptional Tennessee Waters.

~~(40)~~ "Record drawings" means drawings depicting conditions as they were actually constructed.

~~(37)~~ "Registered engineer" or "Registered landscape architect" means someone certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.

- (41) ~~“Runoff” means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm sewer system.~~
- (38) “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.
- (39) “Sediment” means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice as a product of erosion and has come to rest on the earth’s surface either above or below sea level.
- (42)(40) “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, dam, 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 the 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 Tennessee Waters, or waters with available parameters).
- (41) ~~“Sedimentation” means soil particles suspended in stormwater that can settle in stream beds; the action or processing of forming or depositing sediment.~~
- (42) “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.
- (43) “Soil” means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for growth of plants.
- (44) ~~“Soils Report” means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees conducting the investigation.~~
- (45) ~~“Stabilization” means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.~~
- (44) “Steep slope” means a natural or created slope of 35% grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff around or over a steep slope so as not to erode the slope. In addition, site managers should focus on erosion prevention on the slopes and stabilize the slopes as soon as practicable to prevent slope failure or sediment discharges from the project.
- (46)(45) “Stormwater” means stormwater runoff, snow melt runoff, surface runoff, and drainage, street wash waters related to street cleaning or maintenance, infiltration and drainage.
- (47)(46) “Stormwater Control Measure (SCM)” means measures meant to directly affect the flow of stormwater and/or contaminants, and that have defined specifications and standards. These measures have one or both of two parts: 1) a defined surface management to encourage infiltration and contaminant removal; and/or 2) a clear Protocol defining engineering design, installation, and maintenance. A Measure such as a “good forest” has just a Management, a Measure such as a manufactured stormwater treatment device has just an engineering Protocol, and “bioretention cell” has both permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.
- (48) ~~“Stormwater management” means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.~~

~~(49)~~(47) “*Stormwater management facilities*” means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

(48) “*Stormwater management plan*” means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, ~~BMPs~~SCMs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

~~(50)~~(49) “*Stormwater management program*” refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.

~~(51)~~(50) “*Stormwater Pollution Prevention Plan (SWPPP)*” means a written plan that includes site map(s), an identification of construction/contractor activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants. It must be prepared and approved before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed, and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the current Tennessee Erosion and Sediment Control Handbook. The handbook is intended for use during the design and construction of projects that require erosion prevention and sediment controls to protect waters of the state. It also aids in the development of SWPPPs and other reports, plans, or specifications required when participating in Tennessee’s water quality regulations. All SWPPP’s shall be prepared and updated in accordance with Section 3 of the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. site-specific plan required by the Construction General Permit 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. It must be prepared and submitted before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook.

~~(51)~~ “*Stormwater runoff*” means flow on the surface of the ground, resulting from precipitation. “*Stream*” is a surface water that is not a wet weather conveyance. Therefore, as used in this ordinance, “*stream*” includes lakes, wetlands, and other non-linear surface waters.

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

~~(53)~~ “*Structural BMPs*” means facilities that are constructed to provide control of stormwater runoff.

~~(54)~~ “*Surface water*” includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

(53) “*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. However, if future construction activity is planned, permit coverage continues.

(54) “*Tennessee Department of Environment and Conservation (TDEC) Level I & Level II Trained Individual*” means an individual who has successfully completed the Level I Fundamentals course and the Level II Design Principles for Erosion Prevention and Sediment Control at Construction Sites course conducted by the Tennessee Water Resources Research Center.

(55) *“Tennessee Erosion and Sediment Control Handbook” is 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. The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state.*

(56) *“Total maximum daily load (TMDL)” means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 C.F.R. 130.2(I)). TMDL is a study that quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. TMDLS can also be described by the follow equation:*

TMDL = sum of nonpoint sources (LA) + sum of point sources (WLA) + margin of safety

(57) *“Waste site” means an area where waste material from a construction site is deposited.* When the material is erodible, such as soil, the site must be treated as a construction site.

(58) *“Water Quality Riparian Buffer” – See “Buffer Zone”.*

(57) *“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.*

(59) *“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.*

(60) *“Waters with unavailable parameters” means any segment of surface waters that has been identified by the Division 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, and the results of recent field surveys.*

(61) *“Watershed” means all the land area that contributes runoff to a particular point along a waterway.*

(59) *“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.*

(60) *“Wetland(s)” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs, and similar areas.*

(62) *“Wet weather conveyances” are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that flow only in direct response to precipitation runoff in their immediate locality and whose channels are above the groundwater table and are not suitable for drinking water supplies; and in which hydrological and biological analyses indicate that, under normal weather conditions, due*

to naturally occurring ephemeral or low flow, 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. (Rules and Regulations of the State of Tennessee, Chapter 1200-4-3-.04(3))~~meet the following:~~

- (a) ~~The conveyance carries flow only in direct response to precipitation runoff in its immediate locality.~~
- (b) ~~The conveyance's channels are at all times above the groundwater table.~~
- (c) ~~The flow carried by the conveyance is not suitable for drinking water supplies.~~
- ~~(f)(d)~~ 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)).

~~12-203. Erosion prevention and sediment control.~~

- (1) ~~All land-disturbing activities shall employ adequate erosion prevention and sediment control measures to minimize erosion and prevent off-site sedimentation in conformance with the provisions of this ordinance and guidance materials referenced herein. Land disturbing or construction activities that do not employ erosion prevention and sediment controls in conformance with this ordinance and that cause off-site sedimentation or sediment discharges to Waters of the State or onto adjacent properties shall be in violation of this ordinance.~~
- (2) ~~All previously disturbed areas shall be permanently stabilized with groundcover sufficient to restrain erosion.~~

~~12-204. Waivers.~~

- (i) ~~General. No waivers will be granted for any construction or site work project. All construction and site work shall provide for stormwater management as required by this ordinance. However, alternatives to the 2010 NPDES General Permit for Discharges from Small Municipal Separate Storm Sewer Systems primary requirement for on-site permanent stormwater management may be considered, if:~~
- (ii) ~~Management measures cannot be designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by 72 hours of no-measurable precipitation. This first inch of rainfall must be 100% managed with no discharge to surface waters.~~
- (iii) ~~It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the city.~~
- (iv) ~~Downstream damage, etc. prohibited. In order to receive consideration, the applicant must demonstrate to the satisfaction of the City Building Official and/or Public Works Director that the proposed alternative will not lead to any of the following conditions downstream:~~
- (v) ~~Deterioration of existing culverts, bridges, dams, and other structures;~~
- (vi) ~~Degradation of biological functions or habitat;~~
- (vii) ~~Accelerated streambank or streambed erosion or siltation;~~
- (viii) ~~Increased threat of flood damage to public health, life or property.~~

(ix) ~~Land Disturbance permit not to be issued where alternatives requested. No land disturbance permit shall be issued where an alternative has been requested until the alternative is approved. If no alternative is approved, the plans must be resubmitted with a stormwater management plan that meets the primary requirement for on-site stormwater management.~~

12-2035. ~~Stormwater system design~~Construction Stormwater Management and Land Disturbance Permit Requirements: Construction and Permanent stormwater management.

- (1) ~~All land disturbing activities shall employ adequate erosion prevention and sediment control (EPSC) measures to minimize erosion and prevent off-site sedimentation in conformance with the provisions of this ordinance and guidance materials referenced herein. Land disturbing or construction activities that do not employ EPSC measures in conformance with this ordinance and that cause off-site sedimentation or sediment discharges to Waters of the State or onto adjacent properties shall be in violation of this ordinance.~~
- (2) ~~The City has adopted, for use in the design of EPSC measures, the design storm requirements from the current Tennessee Construction General Permit (CGP) for all Waters as well as special conditions for unavailable parameters for siltation/sedimentation or Exceptional Tennessee Waters (ETWs).~~
- (3) ~~MS4 Stormwater Control Measure (SCM) design or Best Management Practice (BMP) manuals.~~
- (1) ~~MS4 Stormwater design or BMP manuals.~~
 - (a) Adoption. The ~~City~~ adopts as its MS4 ~~stormwater-SCM design and best management practices (BMP)~~ manuals for stormwater ~~management and construction management, construction~~ and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:
 - (i) TDEC Erosion Prevention and Sediment Control Handbook; current edition.
 - (ii) Tennessee Permanent Stormwater Management and Design Guidance Manual, current edition.
 - (iii) A collection of MS4 approved ~~SCMs and~~ BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the ~~Construction General Permit (CGP)~~.
 - (b) The ~~City's~~ ~~SCM and~~ BMP manual(s) include a list of acceptable ~~SCMs and~~ BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. These include city-approved ~~BMPs-SCMs~~ for permanent stormwater management including green infrastructure ~~BMPs-SCMs~~.
 - (c) The ~~City~~ manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the ~~City~~, upon the recommendation of the City of Belle Meade, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation. ~~Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.~~
- (1) ~~Land development~~Development or redevelopment. -This section shall be applicable to all ~~land development and redevelopment~~, including, but not limited to, site plan applications, subdivision applications, and land disturbance ~~permit (LDP)~~ applications. These standards apply to any new development or redevelopment sites according to Table 1 below:

Table 1 -- LDP Requirements Land-Disturbance Permit (LDP)					
Total Disturbed area	LDP Required?	City forms/checklists to complete	Stormwater Management Plan required?	Construct ion- General- permit- (CGP)CG P coverage required?	Water Quality, <u>Riparian</u> Buffer Required?
< 10,000 9 ft ²	No, except see §12-203(4)(a)	None	No	No	No
<10,000 ft ² , with swimming pool construction	Yes	Application and Checklists	Yes; See Checklists and Table 2	No	See Table 4
10,000 ft ² – 0.99 - acre	Yes	Application and Checklists General, Checklist 1-3	Yes; See Checklist- 3Checklists and Table 2	No	See Table 43
1 acre or greater or part of a larger common plan of development of sale more	Yes	Application and Checklists General, Checklist 1-3	Yes; See ChecklistsChee klist-3 and Table 2	Yes	See Table 54

- (a) A ~~land-disturbance-permit~~LDP may ~~shall~~ also be required if one of the following conditions apply:
- (i) The City of Belle Meade 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;
 - (ii) The City of Belle Meade has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to ~~W~~waters of the ~~S~~state;
 - (iii) 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, or otherwise require construction, to obtain a ~~land-disturbance-permit~~LDP;
 - (iv) Any new development or redevelopment, regardless of ~~sizedisturbance~~, that is defined by the City of Belle Meade to be a ~~hotspot-priority arealand use~~;
 - (v) ~~New D~~development ~~and-or~~ redevelopment within the floodplain;
 - (vi) ~~New~~ development or redevelopment that involves land development activity of one acre or more if such activities are part of a larger common plan of development, even multiple activities, that is part of a separate and distinct land development activity that may take place at different times on different schedules; ~~or~~
 - (vi) ~~or~~
 - (vii) A permit may also be required for other comparable activities as determined by the ~~City Building Official and/or Public Works Director~~City. (e.g., ~~swimming pool construction~~, increased impervious area).
- (b) ~~Land-disturbance-permit~~LDP applications ~~shall not be approved unless the following conditions are met~~shall be approved only when the following is met:
- (i) For residential and non-residential developments ~~disturbing 10,000 square feet or more of landrequiring a LDP (See Table 1), an Erosion Prevention~~

and Sediment Control EPSC pPlan(s), a Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Management Plan shall be required. Forms provided in Appendix A of this ordinance must be completed and submitted with the ~~land disturbance permit~~LDP application. These forms may be altered as deemed necessary by the ~~City Building Official~~City and/or ~~Public Works Director~~ to modify the information required to be provided by the applicant provided that such modification preserves the intent of this ordinance and ~~does~~ not alter the design criteria, or the water quality standards contained therein.

- (2) Building permit. No building permit shall be issued until the applicant has obtained a ~~land disturbance permit~~LDP where the same is required by this ordinance.

~~(3) Review and approval of application.~~

- ~~(4) The City of Belle Meade, acting through its City Building Official and/or Public Works Director, and as needed its designated consultant, shall review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the City of Belle shall provide one of the following responses in writing:~~

~~(5) Approval of the permit application;~~

~~(6) Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or~~

~~(7) Denial of the permit application, indicating the reason(s) for the denial.~~

~~(8) If the City of Belle Meade has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City of Belle Meade within the timeframe designated in the conditional approval. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City of Belle Meade.~~

~~(9) No development activities shall be released until the land disturbance permit has been approved.~~

~~(10) Permit duration.~~

~~(11) Every land disturbance permitLDP shall expire and become null and void if substantial work progress authorized by such permit has not not commenced within one hundred eighty (180) calendar days of issuance been completed within any six (6) month period following the issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. Permit extension requests may be made in writing to the City.~~

~~(3)~~

~~(4) Changes to Approved LDP Plans. The applicant must submit revised plans to the City for review and approval if changes are proposed to the originally city-approved plans. The revised plans must be submitted prior to changes being implemented in the field.~~

~~(12) Construction site operators. Construction site operators are required to control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites within the City to avoid adverse impacts to water quality.~~

~~(13) Notice of construction.~~

~~(14) After obtaining a permit, the applicant must notify the City of Belle Meade ten (10) working days in advance of the commencement of construction.~~

~~(15)~~

~~(5)~~

~~(6) Inspections and Maintenance.~~ Inspections and Maintenance.

(a) Right of Entry.

~~(i) The City Building Official~~ City and/or its Public Works Director may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), ~~natural drainageway(s)~~ community water(s) or via any other private or public stormwater management ~~system-facility and/or SCM~~ during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.

~~(ii) Where a property, site, or facility has security measures in place that require proper identification and clearance before entry into its premises, the person shall make necessary arrangement with its security personnel so that, upon presentation of suitable identification, the City of Belle Meade will be permitted to enter without delay for the purposes of performing specific responsibilities as it relates to the provisions of this ordinance.~~

(b) EPSC-LDP EPSC inspections. ~~The land-disturbance permit~~ LDP permittee holder shall perform routine inspections as follows:

(i) ~~Inspections~~ Disturbed areas shall be inspected ~~performed~~ in conformance with the ~~inspection requirements~~ conditions of the ~~TN-TDEC Construction General Permit~~ CGP. This requirement applies for all projects that require an LDP.

~~(ii) Inspections shall be documented and the documentation provided to the City of Belle Meade when requested.~~ permittee shall maintain records of the documented inspections on site (or other location accessible to the City).

~~(ii) —~~

(iii) All erosion prevention and sediment control (EPSC) measures shall be inspected to verify and document the functionality and performance of the measures shall be inspected to ensure that they are functioning as designed per the city-approved plans.

(c) ~~All erosion prevention and sediment control~~ EPSC measures shall be maintained by the ~~land-disturbance permit holder~~ LDP permittee to ensure that they are functioning as designed. Failure to maintain measures constitutes a violation of this ordinance.

~~(16) Permanent stormwater management facilities inspections. Permanent stormwater management facilities shall be inspected by the land disturbance permit holder on a regular basis during construction and by the landowner after construction has been completed to ensure that they are functioning as designed.~~

~~(17) Inspections shall be documented and documentation provided to the City of Belle Meade when requested.~~

~~(18) Permanent stormwater facilities shall be maintained by the land disturbance permit holder during construction and by the landowner after construction has been completed to ensure that they are functioning as designed.~~

~~(19) In addition to those sanctions provided herein, the maintenance of a permanent stormwater facility is subject the Property Maintenance Regulations, Title 13, Code of the City of Belle Meade.~~

~~(20)~~ (7) Performance bonds or letter of credit.

- (a) The City of Belle Meade may, at its discretion, require the submittal of a performance ~~security or performance bond or letter of credit~~ prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance ~~security or performance bond or letter of credit~~ shall be the total estimated construction cost of the ~~structural-BMPs/SCMs and/or stormwater management facilities~~ approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment, or rejection by the City of Belle Meade. Alternatively, the City of Belle Meade shall have the right to calculate the ~~estimated~~ cost of construction ~~cost estimates~~.
- (b) The performance ~~security or performance bond or letter of credit~~ shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer ~~or registered landscape architect~~ licensed to practice in Tennessee that the ~~structural-BMP/SCM(s) and/or stormwater management facilities~~ have been installed in accordance with the ~~city~~-approved plan(s) and other applicable provisions of this ordinance. The City of Belle Meade will make a final inspection of the ~~SCM/structural-BMP(s) and/or stormwater management facilities~~ to ensure that they are in ~~compliance~~ accordance with the ~~city~~-approved plan(s), ~~as-built plans~~, and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance ~~security or performance bond or letter of credit~~ based on the completion of various development stages can be made at the discretion of the City of Belle Meade.

~~(21) Erosion prevention and sediment control plan requirements. The Erosion Prevention and Sediment Control (EPSC) plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage.~~

~~(22) The plan shall be prepared by an individual who has successfully completed the TDEC Level I training course or a Certified Professional in Erosion and Sediment Control (CPESC). The plan shall address all items on the EPSC Plan checklist. Failure to fully complete the EPSC checklist could be considered an incomplete submittal and result in plan disapproval.~~

~~(23)~~

~~(24)(8) Submittal of a copy of the NOC/Notice of Coverage (NOC)-SWPPP and NOT/Notice of Termination (NOT) to the City/local MS4. Permittees that ~~are~~ were required to obtain coverage under the Construction General Permit/CGP who discharge stormwater through an NPDES-permitted municipal separate storm sewer system (MS4) who are not exempted in section 1.4.5 (Permit Coverage through Qualifying Local Program) of the Construction General Permit (CGP) must provide TDEC NOC/proof of coverage under the Construction General Permit (CGP); submit a copy of the Stormwater Pollution Prevention Plan (SWPPP); and at project completion, a copy of the signed TDEC NOT/notice of termination (NOT) to the City of Belle Meade.~~

Copies of additional applicable local, state, or federal permits (i.e.: ARAP, etc.) must also be provided ~~to the City upon request. If requested, these permits must be provided before the issuance of any land disturbance permit or the equivalent. The City has the authority to without the LDP prior to receiving copies of the aforementioned permits.~~ ~~Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, Chapter 1200-4-60400-45-06.~~

~~(25) Stormwater Pollution Prevention Plan (SWPPP) for Construction Stormwater Management. The applicant must prepare a stormwater pollution prevention plan for all construction activities that complies with subsection (12) below. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction.~~

~~(9) Stormwater Pollution Prevention Plan and EPSC Plan requirements. -The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction. -The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be staged so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate stage of the plan.~~

~~The plan shall be prepared by a registered professional engineer or registered landscape architect licensed in the State of Tennessee that possesses an active TDEC Level II certification. The plan shall be sealed by a registered professional engineer or landscape architect licensed in the state of Tennessee. -The plan shall also conform to the requirements found in the MS4-BMP manual/city-adopted manuals, and shall include at least the following:~~

~~(26) Project description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.~~

~~(27) A topographic map with contour intervals of two (2) feet or less showing present conditions and proposed contours resulting from land disturbing activity.~~

~~(28) All existing drainage ways, including intermittent and wet weather. Include any designated floodways or floodplains.~~

~~(29) A general description of existing land cover. Individual trees and shrubs do not need to be identified.~~

~~(30) Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.~~

~~(31) Approximate limits of proposed clearing, grading and filling.~~

~~(32) Approximate flows of existing stormwater leaving any portion of the site.~~

~~(33) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.~~

~~(34) Location, size and layout of proposed stormwater and sedimentation control improvements.~~

~~(35) Existing and proposed drainage network.~~

~~(36) Proposed drain tile or waterway sizes.~~

- ~~(37) Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development; when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.~~
- ~~(38) The projected sequence of work represented by the grading, drainage and erosion prevention and sediment control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention/detention facilities or any other structural BMPs.~~
- ~~(39) Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.~~
- ~~(40) Specific details for: the construction of stabilized construction entrance/exits, concrete washouts, and sediment basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the city. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day to the satisfaction of the city. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.~~
- ~~(41) Proposed structures: location and identification of any proposed additional buildings, structures or development on the site.~~
- ~~(42) A description of on-site measures to be taken to recharge surface water into the ground water system through runoff reduction practices.~~
- ~~(43) Specific details for construction waste management. Construction site operators shall control waste such as discarded building materials, concrete truck washout, petroleum products and petroleum related products, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. When the material is erodible, such as soil, the site must be treated as a construction site.~~
- (10) 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 stabilize. 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 not later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased (7 days for slopes of 35 percent or steeper). 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 is temporarily ceased, and earth disturbing activities will be resumed within 14 days.~~
- (b) ~~Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles), or crusher runs will not be considered a non-eroding surface.~~
- (c) ~~The following criteria shall apply to revegetation efforts:~~

- ~~(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.~~
- ~~(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.~~
- ~~(iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.~~
- ~~(iv) Prior to receiving Use and Occupancy, permanent stabilization must be established over the entire site.~~
- ~~(v) In addition, the remedies and sanctions provided herein, the enforcement of these provisions shall also be subject to the Property Maintenance Regulations, Title 13, Code of the City of Belle Meade.~~

12-204. Permanent stormwater management: design requirements

- ~~(2) General design performance criteria for permanent stormwater management.~~ Permanent stormwater management requirements for new development and redevelopment are summarized in Table 2 below:

(1)

Table 2 – Permanent Stormwater Management in for New Development and Redevelopment			
Total Disturbed area	Stormwater Runoff Quantity Requirements	Stormwater Runoff Quality Requirements	Comments
< 10,000 9 ft ²	None unless deemed necessary by the City-Building-Official City- and -or- Public Works- Director due to an increase in impervious area	None unless deemed necessary by the City-Building-Official City- and -or- Public Works- Director due to an increase in impervious area	Allowing runoff from impervious surfaces to flow over pervious surfaces (e.g. driveway runoff allowed to sheet flow across yard) is encouraged.
< 10,000 ft ² , with swimming pool construction	None unless deemed necessary by the City	One non-structural water quality improvement	Examples include disconnected roof drains, sheet flow of impervious surfaces runoff, or vegetated filter strips.
10,000 ft ² – 0.99 -acre	See Checklist 3— Stormwater- Management PlanSee Checklists and §12-204(4)Section 5(15)- below.	One non-structural water quality improvement	
1 acre or more	See Checklist 3— Stormwater- Management- PlanChecklists and §12-204(4)Section- 5(15)-below.	Runoff- reductionWater Quality Treatment Volume (See §Section-12-2045(214)-below.)	

(2) Performance criteria.

(a) The following performance criteria shall be addressed for permanent stormwater management at all new development or redevelopment sites that disturb one acre or more of land greater, or are part of a larger common plan of development or sale:

- (i) The design storm for water quality treatment design shall be the 1-year, 24-hour design storm event.
- (ii) All roof runoff is presumed to be contaminated and, therefore, is to be included within the water quality treatment volume.
- (iii) The water quality treatment volume (WQTV) is the portion of the runoff generated from impervious surfaces at a new development or redevelopment project from the design storm. SCMs must be designed, at a minimum to achieve an overall treatment efficiency of eighty percent (80%) TSS removal from the WQTV. The quality of the WQTV that must be provided from a new development or redevelopment depends on the type of treatment provided, as established in the following table:

Table 3 – Water Quality Treatment Volume and the Corresponding SCM Treatment Type for the 1-year, 24-hour Design Storm

SCM Treatment Type	WQTV	Notes
<u>Infiltration, evaporation, transpiration, and/or reuse</u>	<u>Runoff generated from the first 1 inch of the design storm</u>	<u>Examples include, but are not limited to, bioretention, stormwater wetlands, and infiltration systems.</u>
<u>Biologically active filtration, with an underdrain</u>	<u>Runoff generated from the first 1.25 inches of the design storm</u>	<u>To achieve biologically active filtration, SCMs must provide minimum of 12 inches of internal water storage.</u>
<u>Sand or gravel filtration, settling ponds, extended detention ponds, and wet ponds</u>	<u>Runoff generated from the first 2.5 inches of the design storm or the first 75% of the design storm, whichever is less</u>	<u>Examples include, but are not limited to, sand filters, permeable pavers, and underground gravel detention systems. Ponds must provide forebays comprising a minimum of 10% of the total design volume. Existing regional detention ponds are not subject to the forebay requirement.</u>
<u>Hydrodynamic separation, baffle box settling, other flow-through manufactured treatment devices (MTDs), and treatment trains using MTDs</u>	<u>Maximum runoff generated from the entire design storm</u>	<u>Flow-through MTDs must provide an overall treatment efficiency of at least 80% TSS reduction.</u>

(iv) Treatment trains using MTDs shall use the following calculation:

$$R = A + B - (A \times B) / 100$$

Where:

R = total TSS percent removal from application of both SCMs

A = the TSS percent removal rate applicable to the first SCM

B = the TSS percent removal rate applicable to the second SCM

TSS removal rates for MTDs must be evaluated using industry-wide standards.

TSS removal rates for other SCMs must be from published reference literature.

(v) Treatment trains using infiltration, evaporation, transpiration, reuse, or biologically active filtration followed by sand or gravel filtration, settling ponds, extended detention ponds, or wet ponds may subtract the treated WQTV of the upstream SCMs from the WQTV of the downstream SCMs.

(vi) Additional requirements for infiltration-based SCMs are as follows:

- 1) Infiltration testing shall be required for all infiltration-based SCMs;
- 2) The project designer shall select the appropriate infiltration testing methodology, such as those provided within Appendix A of the Tennessee Permanent Stormwater Management and Design Guidance Manual the Metro-Nashville Stormwater Management Manual Volume 5; and

3) ~~At a minimum, testing shall identify a minimum 2-foot separation from bedrock and the seasonal high-water table from the invert of the infiltration-based SCM(s).~~

(vii) ~~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 development or redevelopment.~~

(i) ~~Site design standards for all new and redevelopment require, in combination or alone, management measures that are designed, built and maintained to infiltrate, evapotranspire, harvest and/or use, at a minimum, the first inch of every rainfall event preceded by 72 hours of no measurable precipitation. This first inch of rainfall must be 100% managed with no discharge to surface waters or the public storm sewer system.~~

(ii) ~~Limitations to the application of runoff reduction requirements include, but are not limited to:~~

(iii) ~~Where a potential for introducing pollutants into the groundwater exists, unless pretreatment is provided;~~

(iv) ~~Where pre-existing soil contamination is present in areas subject to contact with infiltrated runoff;~~

(v) ~~Presence of sinkholes or other karst features.~~

(vi) ~~Pre-development infiltrative capacity of soils at the site must be taken into account in selection of runoff reduction management measures.~~

(vii)(viii) ~~Incentive Standards for re-developed sites: a 10% reduction in the volume of rainfall to be managed for any of the following types of developmentFor any one of the following types of development or redevelopment shall receive a twenty percent (20%) reduction in the water quality treatment volume. Such credits are additive such that a maximum reduction of forty percent (5040%) of the standard in the paragraph above is possible for a project that meets all 5 criteriaWQTV is possible:~~

1) ~~Redevelopment; and~~

2) ~~Brownfield redevelopment;~~

3) ~~High density (>7 units per acre);~~

2) ~~Vertical Density, (Floor to Area Ratio (FAR) of 2 or >at least 18 units per acre); and~~

(viii)

(ix) ~~Mixed use and Transit-Oriented Development (within ½ mile of transit).~~

(x) ~~For projects that cannot meet 100% of the runoff reduction requirement unless subject to the incentive standards, the remainder of the stipulated amount of rainfall must be treated prior to discharge with a technology documented to remove 80% total suspended solids (TSS) unless an alternative provided under this ordinance is approved. The treatment technology must be designed, installed and maintained to continue to meet this performance standard.~~

(xi) ~~To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the MS4 BMP manual.~~

(xii) ~~Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, recharge areas, water supply reservoirs)~~

may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(xiii) ~~Stormwater discharges into streams impaired by sediment or into streams with an approved TMDL may be subject to additional performance criteria.~~

(xiv) ~~Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. In addition, stormwater from a hot spot land use may not be infiltrated.~~

(xv) ~~Prior to or during the site design process, applicants for land disturbance permits shall consult with the City of Belle Meade to determine if they are subject to additional stormwater design requirements.~~

(xvi) ~~The calculations for determining peak flows as found in the MS4 BMP manual shall be used for sizing all stormwater facilities. Other hydrological methods of determining peak runoff may be substituted; however, they will be subject to the City of Belle Meade's engineering consultant's review for appropriateness.~~

(3) Minimum volume control requirements. ~~In accordance with §12-201(1)(c)(iii) the City of Belle Meade establishes the following standards to regulate the quantity of stormwater discharged, therefore:—~~

(a) All site designs requiring a stormwater management plan or as otherwise required by the City of Belle Meade shall control the peak flow rates of stormwater discharge associated with design storms specified in Appendix A of the MS4 BMP manual or this ordinance and reduce the generation of post construction (or permanent) stormwater runoff to pre-construction-development levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in ~~the MS4 BMP manual and Appendix A of this ordinance, unless the City of Belle Meade has granted the applicant a full or partial waiver for a particular BMP under §12-204.~~

~~(b)(c)~~ Stormwater designs shall consider the pre-developed flow conditions (i.e. sheet flow, concentrated flow) and attempt to mimic these flow conditions in the post-developed condition to avoid adverse downstream impacts.

(d) The calculations methods required for determining peak flows as found in Appendix A of this ordinance shall be used for sizing all stormwater facilities. Other hydrological methods of determining peak runoff may be substituted; however, they will be subject to the City of Belle Meade's engineering consultant's review for appropriateness.

~~(e)(e)~~ The maximum distance that a roof downspout may extend perpendicular from a structure is ten (10) feet. Up to three separate roof downspouts may be collected into a single collector pipe to be discharged the maximum perpendicular distance of ten (10) feet from the structure. A maximum ten (10) feet of roof drainage piping may be buried before the pipe outlets. ~~The City Building Official's and/or Public Works Director's discretion may be used in the enforcement of the requirements of this Section 12-205(15)(e). Additionally~~Alternatively, a plan prepared by a Tennessee registered pProfessional eEngineer or lLandscape aArchitect that does not meet the requirements of this section Section 12-205(15)(e) but otherwise complies with the requirements of a Land Disturbance PermitLDP may be accepted subject to the City of Belle Meade's engineering consultant's review for appropriatenessby the City Building Official and /or Public Works Director at his/her discretion.

~~(d)(f) Exception to the minimum volume control requirements:~~ If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Belle Meade may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

- (4) ~~Permanent stormwater management plan requirements.~~ The stormwater management plan shall include sufficient information to allow the City of Belle Meade to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. ~~The permanent stormwater management plan must be prepared by a professional engineer or landscape architect registered in the State of Tennessee. To accomplish this goal the stormwater management plan shall address all items on the Stormwater Management Plan checklist. Failure to fully complete the Stormwater Management Plan checklist will be considered an incomplete submittal and result in plan disapproval.~~

~~(a) Topographic base map: Topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates:~~

- ~~(i) Existing surface water drainage including streams, ponds, culverts, ditches, sinkholes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;~~
- ~~(ii) Current land use including all existing structures, locations of utilities, roads, and easements;~~
- ~~(iii) All other existing significant natural and artificial features;~~
- ~~(iv) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.~~

~~(b) Proposed structural and non-structural BMPs;~~

~~(c) A written description of the site plan and justification of proposed changes in natural conditions may also be required;~~

~~(d) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the MS4 BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the MS4 BMP manual. Such calculations shall include:~~

- ~~(i) A description of the design storm frequency, duration, and intensity where applicable;~~
- ~~(ii) Time of concentration;~~
- ~~(iii) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;~~
- ~~(iv) Peak runoff rates and total runoff volumes for each watershed area;~~
- ~~(v) Infiltration rates, where applicable;~~
- ~~(vi) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;~~
- ~~(vii) Flow velocities;~~

- (viii) ~~Data on the increase in rate and volume of runoff for the design storms referenced in the MS4 BMP manual; and~~
- (ix) ~~Documentation of sources for all computation methods and field test results.~~
- (e) ~~Soils information: If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.~~
- (5) Long-Term Maintenance and repair pPlan requirements. ~~The design and planning of all permanent stormwater management facilities shall include detailed maintenance and repair inspection and maintenance procedures to ensure the performance standards of this Ordinance ensure their continued performance. These plans will identify the parts or components of a stormwater management facility and/or SCM(s) that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.~~

12-205. Water Quality Riparian Buffers.

Purpose. A water quality riparian buffer shall be established, protected, and maintained along all community waters in areas of new development and redevelopment for which a LDP is required, as defined in §12-203, is required in accordance with Table 4 or Table 5 below, as applicable. The goal of the water quality riparian buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality riparian buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration.

Table 4 – Temporary and Permanent Water Quality Riparian Buffer Requirements for Sites That Disturb < 1 acre (no CGP coverage required)

<u>Community water characteristics</u>	<u>Permanent buffer</u>	<u>During construction (temporary) buffer</u>
All community waters	20-feet (City-approved buffer enhancement plan required for buffer encroachment)	20-feet (City-approved buffer enhancement plan required for buffer encroachment)

Table 5 – Temporary and Permanent Water Quality Riparian Buffer Requirements for Sites That Require CGP Coverage

<u>Community water characteristics</u>	<u>Average Buffer Width (feet)</u>	<u>Minimum Buffer Width (feet)</u>	<u>Notes</u>
Community water with available parameters for siltation/sedimentation or habitat alteration or unassessed waters	30	15	The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than the required location. If the new development or redevelopment site encompasses both sides of the stream, buffer averaging can be applied to both sides, but must be applied independently.
Community water with unavailable parameters for siltation/sedimentation or habitat alteration and/or an Exceptional Tennessee Water (ETW)	60	30	

- (a) The buffer width shall be measured perpendicular from the top of bank on each side of the community water channel; around the perimeter of a pond or lake

identified as a community water measured as perpendicular to the contour at which normal pool is located around; and around the perimeter of a wetland identified as a community water.

- (b) The water quality riparian buffer is to remain undisturbed except for the following permissible land uses which are allowed subject to approval by the City:

(i) Greenways, biking trails, and walking trails;

(ii) Infiltration-based SCMs such as infiltration trenches and biofiltration basins may be allowed on a case-by-case basis if approved in writing by the City. This can only be approved if such SCMs improve the biodiversity or aesthetic appearance of the buffer areas. Economics or constructability of a development cannot be used as criteria for allowing an SCM to be placed in the buffer;

(iii) Road and utility crossings. Private drives and private utility crossings may also be approved by the City upon review of a complete submittal demonstrating that there is no feasible alternative route;

(iv) Selective landscaping and/or habitat improvement.

- (c) Subject to the requirements of this ordinance and the City, any approved disturbance of the water quality riparian buffer shall be revegetated in kind and/or enhanced. The vegetative target for the inner zone is mature, moderately dense forest (i.e., trees) with woody shrubs and understory vegetation. Where forest vegetation has the potential to impact traffic safety or limit access, areas immediately surrounding approved stream crossings and utility access areas may be vegetated with dense grasses.

- (d) For any proposed development and/or construction activity within or adjacent to a water quality riparian buffer, the following shall be required.

(i) The parameters of the water quality riparian buffer shall be delineated by the applicant and boundaries shall be clearly indicated and labeled on all plats, plans, permits and official maps.

(ii) Include a note on plans to reference protective covenants governing all water quality riparian buffer areas, labeled as: "Any water quality riparian buffer is subject to protective covenants recorded in the Register of Deeds (Davidson County). Disturbance and use of these areas is restricted; severe penalties apply."

~~(+)(iii)~~ Water quality riparian buffers shall be protected during construction activities by a combination of fencing and flagging to prevent entry of construction equipment, storage and stockpiling. Buffer boundaries shall be marked during construction activities.

12-206. Permanent stormwater management: operation, inspection, and maintenance. 12-206. Permanent stormwater management: Operation, Maintenance, and Inspection

- (1) Requirements. Prior to project completion and use and occupancy, the following must be submitted and accepted by the city:

(a) As-Built (Record) Drawings. All LDP permittees are required to submit as-built drawings for any SCMs and/or stormwater management facilities located on-site within 90 days after final construction of the SCMs has been completed. The drawing(s) must show the final design specifications for all stormwater management facilities and/or SCMs and must be sealed by a registered

professional engineer licensed to practice in Tennessee. The drawing(s) shall include at the minimum the following:

- (i) Location map of SCM(s) within project site;
 - (ii) An engineer's or ~~landscape architect's~~ certification letter certifying that the as-built conditions conform to the approved design plans and specifications;
 - (iii) Description of any variations from the approved design plans and specifications, if any;
 - (iv) A brief description of the type of SCM(s) and basic design characteristics;
 - (v) As-built design parameters including but not limited to invert elevations, outlet structure elevations, subbase layer depths, etc.;
 - (vi) The property owner contact information;
 - (vii) Inspection schedule(s);
 - (viii) A brief description of or reference to maintenance procedures and frequency; and
 - (ix) Photographs of the installed SCM(s).
- (b) A final inspection by the City of Belle Meade is required before occupation permits will be granted. Occupation permits shall not be granted until corrections to all SCMs have been made and accepted by the City of Belle Meade.

(2) SCM Inspection Requirements.

- (a) Routine inspection of all SCMs and/or stormwater management facilities shall be performed by the property owner or other qualified professional on a minimum annual basis or as specified in the LTMP. These inspections shall be conducted by one of the following a registered professional engineer, registered landscape architect, or other qualified professional familiar with applicable SCM design and maintenance requirements.
- (b) Comprehensive inspections of all SCMs and/or stormwater management facilities shall be performed once every five years by a registered professional engineer or registered landscape architect. Complete inspection reports for these five-year inspections shall include a minimum of the following:
 - (i) Location map of SCM(s) within project site;
 - (ii) A brief description of the type of SCM(s) and basic design characteristics;
 - (iii) Description of current SCM(s) conditions;
 - (iv) The property owner contact information
 - (v) Inspection date;
 - (vi) Specific maintenance items or violations that need to be corrected by the SCM owner along with timeline for maintenance;
 - (vii) Maintenance records, if any; and
 - (viii) Current photo of SCM(s).
- (c) Inspections, whether routine or comprehensive, shall be submitted annually to the City by July 1.

- (3) ~~SCM and stormwater management facilities inspections. SCMs and/or stormwater management facilities shall be inspected by the LDP permittee on a regular basis during construction and by the property owner after construction has been completed to ensure that they are functioning as designed.~~
- (a) ~~Inspections shall be documented per §12-206(2) of this ordinance and provided to the City when requested.~~
- (b) ~~In addition to those sanctions provided herein, the maintenance of a SCM and/or stormwater management facility is subject to Property Maintenance Regulations, Title 13, Code of the City of Belle Meade.~~
- (a) ~~Record Drawings. All applicants are required to submit record drawings for any structures located on-site after final construction is completed. The drawing(s) 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 final inspection by the City of Belle Meade is required before any performance security or performance bond will be released. The City of Belle Meade 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 BMPs have been made and accepted by the City of Belle Meade.~~
- (2) ~~Landscaping and stabilization requirements.~~
- (3) ~~Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall stabilize. 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 not later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased (7 days for slopes of 35 percent or steeper). In the following situations, temporary stabilization measures are not required:~~
- (4) ~~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~~
- (5) ~~where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days;~~
- (6) ~~Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay-sized particles) or crusher runs will not be considered a non-eroding surface.~~
- (7) ~~The following criteria shall apply to revegetation efforts:~~
- (8) ~~Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area;~~
- (9) ~~Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.~~
- (10) ~~Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.~~
- (11) ~~one (1) year is achieved.~~

- ~~(12) Prior to releasing the performance bond, a permanent ground cover must be established over the entire site.~~
- ~~(13) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.~~
- ~~(14) In addition the remedies and sanctions provided herein, the enforcement of these provisions shall also be subject to the Property Maintenance Regulations, Title 13, Code of the City of Belle Meade.~~
- ~~(15) Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed, documented, and reported in accordance with this chapter, as detailed in §12-206.~~
- ~~(4) Records of installation and maintenance activities. Parties responsible~~Property owners responsible for the operation and maintenance of a stormwater management facility and/or SCM(s) 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 City of Belle Meade during inspection of the facility and at other reasonable times upon request.
- ~~(16)(5) Failure to meet or maintain design or maintenance standards. If a a-LDP permittee or responsible party property owner~~ fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Belle Meade, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Belle Meade shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the ~~responsible person~~LDP permittee or property owner shall have ~~thirty~~ thirty (4030) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City of Belle Meade may take necessary corrective action. The cost of any action by the City of Belle Meade under this section shall be charged to the ~~responsible party~~ property owner.

12-207. Existing problem locations – no maintenance agreement.

- ~~(1) Failure to meet or maintain design or maintenance standards as a violation of the Property Maintenance Regulations. The failure to comply with the provisions of this Title and Chapter shall be a violation of Title 13 of the Code of the City of Belle Meade, the Property Maintenance Regulations.~~
- ~~(1) Requirements for all existing locations and developments. The requirements of this ordinance shall apply to all locations and development at which land disturbing activities have occurred pervious to the enactment of this ordinance including:~~
- ~~(a) Denuded areas must be vegetated or covered under the standards and guidelines specified §12-203(12)(c)(i), (ii), (iii) and on a schedule acceptable to the City.~~
 - ~~(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.~~
 - ~~(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel linings, etc., to prevent erosion.~~
 - ~~(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.~~

~~(e) Stormwater runoff shall, at the discretion of the City be treated to the maximum extent practicable to prevent pollution of waters. 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/pavers~~

~~(iv) Filtering systems~~

- ~~1) Media filter~~
- ~~2) Sand filter~~
- ~~3) Filter/absorption bed~~
- ~~4) Filter and buffer strips~~

~~(v) Open channel~~

- ~~1) Swale~~

~~(17) 12-207. Existing locations and ongoing developments.~~

~~(18) Right of Entry. The City Building Official and/or the Public Works Director may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), natural drainageway(s) or via any other private or public stormwater management system during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.~~

~~(19) On-site stormwater management facilities maintenance agreement.~~

~~(20) 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 owners of property must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owners and all subsequent property owners and their lessees and assigns, including but not limited to, homeowner associations or other groups or entities.~~

~~(21) The responsibility for, and costs of, preparing and recording the inspection and maintenance agreement to assure that it is of record within the chain of title at the Register's Office of Davidson County shall be borne by the property owner.~~

~~(22) property owner.~~

- ~~(23) The inspection and maintenance agreement shall expressly reference this code section as well as the Property Maintenance Regulations, Title 13, Code of the City of Belle Meade~~
- ~~(24) The maintenance agreement shall:~~
- ~~(25) 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.~~
- ~~(26) Provide for a periodic inspection by the property owners in accordance with the requirements of subsection 12-207(2)(b)(v) 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 a registered professional engineer licensed to practice in the State of Tennessee, who will submit a signed written report of the inspection to the City of Belle Meade, and that the cost of such inspection shall be paid by the property owner. It shall also grant permission to the city and its agents to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.~~
- ~~(27) Provide that the minimum maintenance and repair needs include, but are not limited to: 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 needs consistent with the needs and standards outlined in the MS4 BMP manual.~~
- ~~(28) Provide that maintenance needs must be addressed in a timely manner, on a schedule subject to the review and/or amendment by the City of Belle Meade.~~
- ~~(29) Provide that if the property is not maintained or repaired within the prescribed schedule, the City of Belle Meade 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 City of Belle Meade's cost of performing the maintenance shall be a lien against the property.~~
- ~~(30) Existing problem locations no maintenance agreement.~~
- ~~(31) The City of Belle Meade, acting through its City Building Official and/or Public Works Director, 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 BMPs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.~~
- ~~(6) Inspection of existing facilities. —The City of Belle Meade acting through its City Building Official and/or Public Works Director, 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 City's NPDES 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 BMPs/SCMs.~~

- ~~(7) Maintenance of existing facilities. The City of Belle Meade 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.~~
- ~~(32)(8) Corrections of problems subject to appeal. Corrective measures imposed by the City under this section are subject to appeal under section §12-211 of this chapter.~~
- ~~(2) Owner/Operator Inspections – generally. The owners and/or the operators of stormwater management practices shall:~~
- ~~(a) Perform routine inspections to ensure that the BMPs 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 a site. Owners or operators shall maintain documentation of these inspections. The City of Belle Meade requires submittal of this documentation by July 1 each year.~~
 - ~~(b) Perform comprehensive inspections 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 either a professional engineer or landscape architect, licensed in the State of Tennessee. 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 BMPs, and~~
 - ~~(c) Specific maintenance items or violations that need to be corrected by the BMP owner along with deadlines and reinspection dates.~~
 - ~~(d) Owners or operators shall maintain documentation of these inspections. The City of Belle Meade requires submittal of this documentation by July 1 each year.~~
- ~~(3) Requirements for all existing locations and ongoing developments. The following requirements shall apply to all locations and development 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 §12-206(2)(c)(i), (ii), (iii) and on a schedule acceptable to the City of Belle Meade.~~
 - ~~(b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.~~
 - ~~(c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.~~
 - ~~(d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.~~

~~(e) Stormwater runoff shall, at the discretion of the City of Belle Meade be controlled 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) Catch basin inserts/media filter~~
- ~~2) Sand filter~~
- ~~3) Filter/absorption bed~~
- ~~4) Filter and buffer strips~~

~~(v) Open channel~~

- ~~1) Swale~~

~~(4) Corrections of problems subject to appeal. Corrective measures imposed by the City Building Official and/or Public Works Director under this section are subject to appeal under section §12-212 of this chapter.~~

12-2088. Illicit discharges.

- (1) Scope. -This section shall apply to all water generated on developed or undeveloped land entering the Ccity's separate storm sewer system.
- (2) 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 or any discharge that flows from stormwater management facility or SCM that is not inspected in accordance with section §12-2057 shall be an illicit discharge. 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) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources;
 - (ii) Landscape irrigation or lawn watering with potable water;

- (iii) Diverted stream flows;
- (iv) Rising ground water;
- (v) Uncontaminated groundwater 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) Groundwater infiltration to storm drains;
- (vi) Uncontaminated ~~P~~pumped groundwater;
- ~~(vii)~~ Foundation or footing drains;
- ~~(viii)~~ Air conditioning condensate;
- ~~(ix)~~ Irrigation water;
- ~~(x)~~ Springs;
- ~~(vii)~~ Water from
- ~~(xi)~~ Crawl space pumps;
- ~~(xii)~~ Footing drains;
- ~~(viii)(xiii)~~ Individual residential car washing (only if water is directed to flow across vegetated area);
- ~~(ix)~~ Air conditioning condensation;
- ~~(x)~~ Springs;
- ~~(xi)~~ Flows from Non-commercial washing of vehicles;
- ~~(xiii)(xiv)~~ Natural riparian habitat or wetlands flows;
- ~~(xv)~~ Dechlorinated Sswimming pools (if ~~dechlorinated~~—typically less than one PPM chlorine, or desalinated for ~~salt waters~~saltwater pools);
- ~~(xiii)(xvi)~~ Street wash water; and
- ~~(xiv)~~ Firefighting activities;-
- ~~(xv)(xvii)~~ Individual residential car washing (only if water is directed to flow across vegetated area);
- ~~(xvi)~~ Discharges within the constraints of an NPDES permit from the Tennessee Department of Environment and Conservation (TDEC);-
- ~~(xvii)~~ Any other uncontaminated water source.
- (xviii) Discharges specified in writing by the City of Belle Meade as being necessary to protect public health and safety.
- (b) Dye testing is an allowable discharge if the City of Belle Meade has so specified in writing.
- (c) Discharges authorized by the Construction General Permit (CGP), which comply with Section 3.5.91.2.3, of the same:
 - (i) dewatering of collected stormwater and groundwater discharge in accordance with Section 4.1.3. of the CGP~~dewatering of work areas of~~

- ~~collected stormwater and ground water~~ (filtering or chemical treatment may be necessary prior to discharge);
- (ii) waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt, or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves ~~the~~ site;
 - (iii) water used to control dust in accordance with CGP section ~~3-5.55.5.3.7.~~;
 - (iv) potable water sources, including waterline flushings, from which chlorine has been removed to the maximum extent practicable;
 - (v) routine external building washdown that does not use detergents or other chemicals;
 - (vi) uncontaminated, ~~non-turbid~~ groundwater or spring water; ~~and~~
 - ~~(vii) foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.);~~
 - ~~(viii) fire hydrant flushings;~~
 - ~~(ix) landscape irrigation;~~
 - ~~(x) pavement wash waters, provided spills or leaks or other toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used; and~~
 - ~~(vii)(xi) uncontaminated air conditioning or compressor condensate.~~
- (3) Prohibition of illicit connections. -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.~~
- (4) Reduction of stormwater pollutants by the use of ~~best management practices~~SCMs and/or BMPs. -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 ~~SCMs and/or~~ BMPs 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 ~~BMPs-SCMs~~ that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.
- (5) 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 City of Belle Meade 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 ~~C~~city within ~~three-seven (73)~~ 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.

- (6) 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 City. Such illegal activity exposes runoff to contamination, generating an illicit discharge.

12-20910. Enforcement.

- (1) Enforcement authority. The City~~City Building Official and/or Public Works Director~~ shall have the authority to issue notices of violation and citations, to issue Cease and Desist orders, and to impose the civil penalties provided in this section. -Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. -If the person, property or facility has or is required to have a stormwater discharge permit from TDEC, the City shall alert the appropriate state authorities of the violation. -The City's enforcement authority includes:~~Measures authorized include:~~
- (a) Verbal Warnings – At a minimum, verbal warnings must specify the nature of the violation and required corrective action. Verbal warnings will be documented by the City.
 - (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 MS4~~City~~ 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 MS4~~City~~'s own approval process affecting the facility's ability to discharge to the City~~MS4~~ can be used to abate the violation.
 - (f) Additional Measures – The MS4~~City~~ may also use other escalated measures provided under local legal authorities. The MS4~~City~~ 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 ~~City of Belle Meade, acting through its City Building Official and/or Public Works Director,~~ 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 City may serve upon such person written notice of the violation. -All written notices will be documented and delivered by personal service or by registered or certified mail (return receipt requested) to the person that has violated or is violating this ordinance. -Within ten (10) days of this notice or shorter period as may be prescribed in the 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 City Building Official~~City and/or Public Works Director~~. -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 City City-Building Official and/or Public-Works Director~~ 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 City, ~~acting through its City-Building Official and/or Public-Works Director~~, may order any person who violates this ordinance or permit or order issued hereunder, to show why a proposed enforcement action should not be taken. Notice shall be served on 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 City, acting through its City-Building Official and/or Public-Works Director~~, finds that any person has violated or continues to violate this ordinance 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 City, acting through its City-Building Official and/or Public-Works Director~~, finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the ~~Stormwater Program Manager or his designee~~ City 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 City of Belle Meade, acting through its City-Building Official and/or Public-Works Director~~, 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 ~~City~~. 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 City 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 ordinance and in the ~~BMP~~ manuals adopted by the ~~City~~ under this ~~O~~rdinance, the strictest standard shall prevail.

12-2104. Penalties.

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

lawful communication or notice to abate or take corrective action by the City of Belle Meade, shall be guilty of a civil offense.

- (2) Penalties. -Under the authority provided in Tennessee Code Annotated §§68-221-1106, the City declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Belle Meade of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) or such lesser amount as may be allowed by law per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3) Measuring civil penalties. In assessing a civil penalty, the ~~Board of Building Code Appeals~~City may consider:
 - (a) The harm done to the public health or the environment;
 - (b) The duration and gravity of the violation(s);
 - (c) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (d) The economic benefit gained by the violator;
 - (e) The amount of effort put forth by the violator to remedy this violation;
 - (f) Whether the violation(s) was committed intentionally;
 - (g) The prior record of the violator in complying or failing to comply with the stormwater management program;
 - (h) Any unusual or extraordinary enforcement costs incurred by the City;
 - (i) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (j) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (4) Recovery of damages and costs. -In addition to the civil penalty in subsection (2) above, the ~~Board of Building Code Appeals~~City may recover:
 - (a) All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
 - (b) The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.
- (5) Referral to TDEC. -Where the City has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the City has not been successful, the City may refer the violation to TDEC. -For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. -In addition, enforcement referrals to TDEC must include, at a minimum, the following information:
 - (a) Construction project or industrial facility location;
 - (b) Name of owner or operator;
 - (c) Estimated construction project or size or type of industrial activity (including SIC code, if known);
 - (d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two warning letters or notices of violation, and any response from the owner or operator.

- (6) Other remedies. -The ~~C~~city may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (7) 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.

12-21~~12~~. 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 ordinance may appeal said penalty or damage assessment to the Board of ~~Commissioners~~Building Code Appeals.

- (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 Commissioners 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 or within the City's monthly newsletter or on the City's website. -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 Commissioners shall be final.
- (3) Appealing decisions of the Commissioners. Any alleged violator may appeal a decision of the Commissioners pursuant to the provisions of Tennessee Code Annotated, Title 27, Chapter 58.

CHAPTER 3

12-301. City of Belle Meade Stormwater Fee Ordinance. The City of Belle Meade Stormwater Fee Ordinance, Ord. # 2004-6, September 15, 2004 has been added to this section of its municipal code as Chapter 3.

12-302. Stormwater user fee adopted. In order to facilitate compliance with the Water Quality Act of 1977, pursuant to authority granted by §§ 68-221-1101 through 68-221-1113 of the Tennessee Code Annotated and for the purpose of providing stormwater management operations and establishing a stormwater user fee within the City of Belle Meade, the "Stormwater User Fee Ordinance," is hereby adopted.

- (1) Findings. The Commissioners of the City of Belle Meade make the following additional findings:
 - (a) The Water Quality Act of 1977 imposes upon municipalities certain obligations that require the expenditure of city funds.
 - (b) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater quantity and quality control service requirements and costs posed by properties throughout the city.
 - (c) Such schedule of service charges can be complemented by other funding methods that address specific needs, including, but not limited to, allocations of local option sales taxes to stormwater drainage improvement projects, collection of fees for special services including, but not limited to, plans review and inspections, and establishment of a capital recovery fee or fees consistent with state law.
 - (d) A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the city.
 - (e) Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the city, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits.
 - (f) The Belle Meade Level of Service and Maintenance Policies for Stormwater Infrastructure will be the guide for prioritizing stormwater infrastructure maintenance and capital improvement projects.
- (2) Definitions. As used in this chapter §12-302, unless the context clearly indicates otherwise, the following definitions apply:
 - (a) "*Credit*" shall mean a conditional reduction in the stormwater service charge amount to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by the property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the affect that such systems have on the peak rate of runoff from the individual property. Credits shall be defined and implemented in the City of Belle Meade Stormwater Credit Policy Manual.
 - (b) "*Customers of the stormwater utility*" shall include all persons, properties, and entities served by and/or benefiting from the City's acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and

entities which will ultimately be served or benefited as a result of the stormwater management program.

- (c) *“Detached dwelling unit”* shall mean developed land containing one structure which is not attached to another dwelling and which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Detached dwelling unit can also include developed land that has a non-residential use of a dwelling unit designed for occupancy for one family so long as such use does not result in additional impervious areas, such as parking spaces, impervious surfaced playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar nonresidential uses. Detached dwelling unit shall not include developed land containing: manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes; or multiple-unit residential properties.
- (d) *“Developed land”* shall mean property altered from a natural state by construction or installation of more than 200 square feet of impervious surfaces as defined in this chapter. Impervious area installed by a public utility within an easement on an undeveloped parcel does not count against the total impervious area on that parcel.
- (e) *“Duplexes and triplexes”* shall mean developed land containing two (duplex) or three (triplex) attached residential dwelling units located on one or more parcel(s) of land.
- (f) *“Equivalent residential unit (ERU)”* of impervious area shall mean the median impervious coverage of detached dwelling unit properties in the City of Belle Meade as determined by the city, and shall be used as the basis for determining stormwater service charges to detached dwelling unit properties or classes of detached dwelling unit properties and other properties. Twelve thousand two hundred (12,200) square feet of impervious area shall be one equivalent residential unit (ERU).
- (g) *“Flood control facilities”* shall mean all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface flood runoff water within the jurisdictional boundaries of the City of Belle Meade. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.
- (h) *“Impervious surfaces”* shall mean those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.
- (i) *“Multiple dwelling unit residential properties”* shall mean developed land whereon four or more attached residential dwelling units are located and shall include, but not be limited to, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which four or more family groups commonly and normally reside or could reside. In the application of stormwater service charge rates, multiple dwelling unit properties shall be treated as other developed lands. However, multiple dwelling unit residential properties where individual residential dwelling units are owned independently, such as residential

condominiums, may be treated as detached dwelling unit properties in the application of stormwater service charge rates.

- (j) *“Other developed land”* shall mean, but shall not be limited to, multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, churches, temples, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.
 - (k) *“Stormwater”* shall mean stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage.
 - (l) *“Stormwater user fee”* shall mean the stormwater management service charge or charges applicable to a parcel of developed land, which charge shall be reflective of the City of Belle Meade’s cost of providing stormwater management services and facilities.
 - (m) *“Stormwater management facilities”* shall mean those natural and man-made drainage structures, conveyances, conduits, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
- (3) Determination and modification of stormwater user fee. Stormwater user fees may be determined and modified from time to time by the Commissioners of the City of Belle Meade so that the total revenue generated by said fees and any other sources of revenue that may be made available to the stormwater utility will be sufficient to meet the cost of services and facilities, including, but not limited to, the payment of principal and interest on debt incurred for stormwater management purposes, the creation of reserves for the replacement of permanent improvements for stormwater management, and such other expenses reasonably necessary or convenient in the acquisition, construction, operation, maintenance, education, and regulation of the stormwater system and of properties affecting the stormwater system. These fees shall be reasonable in amount and used exclusively by the municipality for purposes set forth in this part. Such a graduated stormwater user’s fee shall be based on actual or estimated use of the stormwater and/or flood control facilities of the municipality, and each user or user class shall only be required to pay its proportionate share of the construction, administration, operation and maintenance, including replacement costs, of such facilities based on the user’s actual or estimated proportionate contribution to the total stormwater runoff from all users or user classes. To ensure a proportionate distribution of all costs to each user or user class, the user’s contribution shall be based on the amount of impervious area utilized by the user. Stormwater service charges may also include special charges to individual customers for services or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects and on-site stormwater control ~~measures-systems~~, and enhanced levels of stormwater services above those normally provided by the city.
- (4) Effective date of stormwater user fee. Stormwater user fees shall accrue beginning January 1, 2011 and shall be billed periodically thereafter to customers except as specific exemptions and adjustments may apply.
- (5) Stormwater user fee. There shall be imposed on each and every property in the City, except exempt property, a stormwater user fee. The owner of each non-exempt property shall be obligated to pay stormwater user fees. In order to supplement the cost of providing stormwater services and facilities while fairly and reasonably apportioning the cost among developed properties throughout the city, the following stormwater rates shall apply.

- (a) Detached dwelling units. Detached dwelling units shall be charged according to the table below based upon the ERU as specified below in §12-302(5)(e) or as specified in or as amended by ordinance in the future.

Total area of parcel (square feet)	Factor x ERU
0-40,000	0.5 x ERU
40,001-70,000	1.0 x ERU
> 70,000	2.0 x ERU

- (b) Churches and schools, historic homes or sites, country clubs and other commercial properties. Churches and schools, historic homes or sites, country clubs and other commercial properties shall be charged according to the table below based upon the ERU as specified below in subsection (5)(e) or as specified in or as amended by ordinance in the future.

Total area of parcel (square feet)	Factor x ERU
Churches and schools	F x ERU
Historic home or site	F x ERU
Country Clubs	F x ERU
Commercial properties	F x ERU

- (c) Other developed lands. Other developed lands are subject to special regulation under the appendices of the zoning code.
- (d) For the purpose of calculating the stormwater fee for churches and schools, a historic home or site, country clubs or commercial properties, the factor "F" shall be calculated as the total square footage of impermeable surfaces on the parcel divided by twelve thousand two hundred (12,200) square feet.
- (e) The stormwater user fee rate per equivalent residential unit (ERU), as defined in this chapter, shall be (\$22.41) per month until and unless the user fee rate is changed by the commissioners of the City of Belle Meade.
- (f) The stormwater fee for independently owned multiple dwelling unit residential properties (hereinafter "condominiums") shall be based upon the fee for detached dwelling units, using the lower tier factor in the Table in ~~§Section~~ 12-305(5)(a), and shall be assessed on a per unit basis at \$11.20 per month.

Total Lot Area of Parcel (sq. ft.)	Factor x ERU Monthly Rate	Monthly Fee	Annual Fee
0-40,000	0.5 x \$22.41	\$11.20	\$134.41
40,000 – 70,000	1.0 x \$22.41	\$22.41	\$268.92
>70,000	2.0 x \$22.41	\$44.82	\$537.84

- (6) Exemptions and credits applicable to stormwater user fee. Except as provided in this section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exemption, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities.
- (a) The following exemptions from stormwater service charges shall be allowed:

- (i) Undeveloped land as defined by this chapter shall be exempt from stormwater charges.
 - (ii) Railroad tracks shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land uses for railroad purposes shall not be exempt from stormwater charges.
 - (iii) Improved public road rights-of-way of federal, state, or local governments that are available for vehicular transportation by the general public are exempt from stormwater service charges. Platted private roads and platted private rights-of-way are further exempt from stormwater charges.
 - (b) Stormwater user fee credits shall be allowed for the following activities/occurrences and shall be effective when initiated at the discretion of the City of Belle Meade and in accordance with a credit manual described subsequently:
 - (i) Other developed lands that have, and maintain in proper working order, on-site stormwater detention and retention systems that reduce the peak rate of stormwater discharge.
 - (ii) Other developed lands that have, and maintain in proper working order, on-site stormwater best management practices that reduce the impact of stormwater runoff or water quality in accordance with water quality standards set forth by the City of Belle Meade.
 - (c) A stormwater user fee credit manual shall be prepared by the City of Belle Meade specifying the design and performance standards of on-site systems, facilities, activities, and services which qualify for application of a service charge credit, and how such credits shall be calculated.
 - (d) The stormwater user fee credit shall be determined based on the technical requirements and standards contained in the stormwater service charge credit manual. The stormwater service charge credit may be up to fifty percent (50%) of the service charge applicable to a property, and shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.
 - (e) Groups of detached dwelling units represented by a homeowners' association providing on-site systems or facilities that reduce or mitigate the stormwater utility's cost of providing stormwater management services and facilities may receive a stormwater service charge credit.
 - (f) Any credit allowed against the stormwater service charge is conditioned on continuing compliance with the city's design and performance standards as stated in the stormwater service charge credit manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the city at any time for noncompliance. Thirty (30) days notice of a non-complying condition and intent to revoke a stormwater service charge credit shall be provided to the stormwater service charge customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance.
- (7) Stormwater user fee billing, delinquencies, and collections.
- (a) A stormwater user fee bill may be sent through the United States mail or by alternative means, notifying all customers of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the status of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay the stormwater service fee.

- (b) If a customer is under-billed or if no bill is sent for developed land, the city may backbill for a period of up to ten years, but shall not assess penalties for any delinquency.
- (c) The stormwater user fee shall be paid by the due date on the bill and shall become delinquent as of sixty (60) days following the billing. Any unpaid stormwater user's fee shall bear penalties if it remains unpaid after sixty (60) days following billing.
- (d) A late charge will be based upon the unpaid balance with interest thereon at the maximum legal rate, published annually in the Tennessee Administrative Register. Interest shall be applied for each 30-day period or fraction thereof from the date of delinquency until paid. The city shall be entitled to recover attorney's fees incurred in collecting delinquent stormwater user fees. Any charge due under this section which shall not be paid may be recovered at law by the municipality.
- (e) Mandatory state. To the extent that state law, T.C.A. § 68-221-1112, requires it, each bill that shall contain stormwater user fees shall also contain the following statement in bold font: **"THIS FEE HAS BEEN MANDATED BY CONGRESS"**. The stormwater user fee is not a tax but a utility service charge.
- (8) Application of stormwater user fee billed in common. The City of Belle Meade shall bill the stormwater user fee when the annual property tax is billed.
- (9) Removal or cessation of utility services. The City of Belle Meade may remove or cease to provide any utility services as it determines necessary to enforce the payment of all city utility service charges.
- (10) Appeals. Any stormwater utility service customer who believes the provisions of this article have been applied in error may appeal in the following manner:
 - (a) An appeal must be filed in writing with the City of Belle Meade City Manager. In the case of service charge appeals, the appeal shall include a survey prepared by a Tennessee registered land surveyor, or professional engineer, or landscape architect containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
 - (b) Using the information provided by the appellant, the City Manager and appropriate staff will conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
 - (c) In response to an appeal, the City Manager may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of the article.
 - (d) A decision of the city manager which is adverse to an appellant may be further appealed to the board of commissioners within thirty (30) days of the adverse decision. Notice of the appeal shall be delivered to the board of commissioners by the appellant, stating the grounds for the further appeal. The board of commissioners shall issue a decision on the appeal within thirty (30) days. All decisions of the board of commissioners shall be served on the customer personally or by registered or certified mail. Service shall be based upon the service charge billing address of the customer.
 - (e) The appeal process contained in this section shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction.
 - ~~(f) A decision of the City Manager which is adverse to an appellant may be further appealed to the Board of Commissioners within thirty (30) days of the adverse decision. Notice of the appeal shall be delivered to the Board of Commissioners by the appellant, stating the grounds for the further appeal. The Board of Commissioners shall issue a decision on the appeal within thirty (30) days. All~~

~~decisions of the Board of Commissioners shall be served on the customer personally or by registered or certified mail. Service shall be based upon the service charge billing address of the customer.~~

~~(g) The appeal process contained in this section shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction.~~

- (11) City of Belle Meade, Tennessee Stormwater User Fee Credit Manual for Stormwater Fees. The City of Belle Meade, Tennessee Stormwater Utility Credit Manual for Stormwater Fees will be prepared and attached hereto as Exhibit A once it is completed.

ATTACHMENT B to ORDINANCE 2015-8
(City of Belle Meade Municipal Floodplain Zoning Ordinance, Title 12, Chapter 4)

CHAPTER 4

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

12-401. City of Belle Meade Municipal Floodplain Zoning Ordinance. The City of Belle Meade Municipal Floodplain Zoning Ordinance, Ord. #2003-5 as amended by Ord #2004-7, has been added to this Municipal Code as Chapter 4 pursuant to Ordinance 2015-8.

12-402. Municipal Floodplain Zoning Ordinance. In order to minimize danger to life and property due to flooding within the City of Belle Meade, and to maintain eligibility for participation in the National Flood Insurance program (NFIP), the “Municipal Floodplain Zoning Ordinance,” is hereby adopted.

12-403. Statutory authorization, findings of fact, purpose and objectives.

- (1) Statutory Authorization. The Legislature of the State of Tennessee has, in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore the City of Belle Meade, Tennessee, mayor and City Commission, do ordain as follows:
- (2) Findings of Fact.—
 - (a) The City of Belle Meade, Tennessee, Mayor and its City Commission, wishes to meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
 - (b) Areas of the City of Belle Meade, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - (c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
- (3) Statement of Purpose. It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:
 - (a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities.
 - (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction.
 - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
 - (d) Control filling, grading, dredging and other development which may increase flood damage or erosion.
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- (4) Objectives. The objectives of this Ordinance are:

- (a) To protect human life, health, safety and property.
- (b) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (c) To minimize prolonged business interruptions.
- (d) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas.
- (e) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas.
- (f) To ensure that potential homebuyers are notified that property is in a floodprone area.
- (g) To maintain eligibility for participation in the NFIP.

12-404. Definitions.

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

- (a) *“Accessory Structure”* shall represent a subordinate structure to the principal structure and, for the purpose of this Title 12, Chapter 4, shall conform to the following:
 - (i) Accessory structures shall not be used for human habitation.
 - (ii) Accessory structures shall be designed to have low flood damage potential.
 - (iii) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (iv) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) Service facilities such as electrical and heating equipment shall be elevated or flood proofed.
 - (vi) *“Accessory Structure”* is a subset of the *“Accessory User”* and *Accessory Building* defined at 14-202(b).
- (b) *“Act”* means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
- (c) *“Addition (to an existing building)”* means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
- (d) *“Appeal”* means a request for a review of the ~~Building-OfficialFloodplain Administrator~~’s interpretation of any provision of this Ordinance or a request for a variance.
- (e) *“Area of Shallow Flooding”* means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and

where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- (f) *“Area of Special Flood-related Erosion Hazard”* is the land within a community, which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.
- (g) *“Area of Special Flood Hazard”* is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AI-30, AE or A99.
- (h) *“Base Flood”* means the flood having a one percent chance of being equaled or exceeded in any given year.
- (i) *“Basement”* means that portion of a building having its floor subgrade (below ground level) on all sides.
- (j) *“Breakaway Wall”* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- (k) *“Building”*, for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See “Structure”).
- (l) *“Development”* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (m) *“Elevated Building”* means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
- (n) *“Emergency Flood Insurance Program”* or *“Emergency Program”* means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.
- (o) *“Erosion”* means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
- (p) *“Exception”* means a waiver from the provisions of this Ordinance, which relieves the applicant from the requirements of a rule, regulation, order or other determination, made or issued pursuant to this Ordinance.
- (q) *“Existing Construction”* means any structure for which the “start of construction” commenced before the effective date of this Ordinance.
- (r) *“Existing Manufactured Home Park or Subdivision”* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

- (s) *“Existing Structures”* – See *“Existing Construction”*.
- (t) *“Expansion to an Existing Manufactured Home Park or Subdivision”* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (u) *“Flood”* or *“Flooding”* means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (i) The overflow of inland or tidal waters; or
 - (ii) The unusual and rapid accumulation or runoff of surface waters from any source.
- (v) *“Flood Elevation Determination”* means a determination by the [Floodplain Administrator](#) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- (w) *“Flood Elevation Study”* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- (x) *“Flood Hazard Boundary Map (FHBM)”* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.
- (y) *“Flood Insurance Rate Map (FIRM)”* means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- (z) *“Flood Insurance Study”* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.
- (aa) *“Floodplain”* or *“Flood-prone Area”* means any land area susceptible to being inundated by water from any source (see definition of *“flooding”*).
- (bb) *“Floodplain Management”* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
- (cc) *“Flood Protection System”* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (dd) *“Flood Proofing”* means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (ee) *“Flood-related Erosion”* means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal

tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

- (ff) *"Flood-related Erosion Area"* or *"Flood-related Erosion Prone Area"* means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- (gg) *"Flood-related Erosion Area Management"* means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and flood plain management regulations.
- (hh) *"Floodway"* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (ii) *"Floor"* means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- (jj) *"~~Flood~~floorboard"* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Floorboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.
- (kk) *"Functionally Dependent Use"* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (ll) *"Highest Adjacent Grade"* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
- (mm) *"Historic Structure"* means any structure that is:
 - (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior, or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

- (nn) *“Levee”* means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (oo) *“Levee System”* means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (pp) *“Lowest Floor”* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- (qq) *“Manufactured Home”* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.
- (rr) *“Manufactured Home Park or Subdivision”* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (ss) *“Map”* means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.
- (tt) *“Mean Sea Level”* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
- (uu) *“National Geodetic Vertical Datum (NGVD)”* as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- (vv) *“New Construction”* means any structure for which the “start of construction” commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.
- (ww) *“New Manufactured Home Park or Subdivision”* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.
- (xx) *“100-year Flood”* – See “Base Flood”.
- (yy) *“Person”* includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
- (zz) *“Reasonably Safe from Flooding” means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.*
- (zz)(aaa) *“Recreational Vehicle”* means a vehicle, which is:
- (i) built on a single chassis;

- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

~~(bbb)~~~~(ccc)~~ *“Riverine”* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

~~(eee)~~~~(ddd)~~ *“Special Hazard Area”* means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FIRM as Zone A, AC, AI-30, AE, A99, or AH.

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

~~(eee)~~~~(fff)~~ *“State Coordinating Agency”* (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Floodplain Administrator to assist in the implementation of the National Flood Insurance Program in that state.

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

~~(ggg)~~~~(hhh)~~ *“Substantial Damage”* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

~~(hhh)~~~~(iii)~~ *“Substantial Improvement”* means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

~~(iii)~~(iii) “*Substantially Improved Existing Manufactured Home Parks or Subdivisions*” are where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

~~(jjj)~~(kkk) “*Variance*” is a grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

~~(kkk)~~(lll) “*Violation*” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

~~(lll)~~(mmm) “*Water Surface Elevation*” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

12-405. General Provisions.

- (1) Application. This Ordinance shall apply to all areas within the incorporated area of the City of Belle Meade, Tennessee.
- (2) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified on the Belle Meade, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers 470408 0326F, 470408 0327F, and 470408 0328F; Effective Date: April 20, 2001 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance.
- (3) Requirement for Development Permit. A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activity.
- (4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
- (5) Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or other applicable provisions of the Code of the City of Belle Meade. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.
- (6) Interpretation. In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
- (7) Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.
 - (a) This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages.

(b) This Ordinance shall not create liability on the part of the City of Belle Meade, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.

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

12-406. Administration.

(1) Designation of Ordinance Administrator. The ~~City Building Official~~Planning Director is hereby appointed as the Floodplain Administrator to implement the provisions of this Ordinance.

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

(a) Application stage.

- (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- (ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- (iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the floodproofing criteria in ~~§Article V, Sections A and B~~12-407(1) and §12-407(2).

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

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

- 1) An itemized cost of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators;
- 2) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services;

~~3) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.~~

~~4) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing, and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.~~

(b) Construction Stage.

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

(ii) Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. ~~The Floodplain Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.~~

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

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

(c) Finished Construction Stage.

~~(iv)(i) A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.~~

(3) Duties and Responsibilities of the Administrator/City Building Official/Floodplain Administrator. Duties of the Floodplain Administrator shall include, but not be limited to, the following:

- (a) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by

Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

- (c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- (d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (f) Record the elevation, in relation to mean sea level or highest adjacent grade, where applicable, of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with ~~§Article IV, Section B12-406(2).~~
- (g) Record the actual elevation, in relation to mean sea level or highest adjacent grade, where applicable, to which the new or substantially improved buildings have been floodproofed, in accordance with ~~§Article IV, Section B12-406(2).~~
- (h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with ~~§Article IV, Section B12-406(2).~~
- (i) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (j) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Belle Meade, Tennessee FIRM meet the requirements of this Ordinance.
- ~~(k)~~ Maintain all records pertaining to the provisions of this Ordinance in the office of the ~~Floodplain Administrator/City Building Official~~ and shall be open for public inspection. ~~—Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.~~
- ~~(l)~~ ~~A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A of the form. To the extent possible, these photographs should show the entire building~~

including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

12-407. Provisions for Flood Hazard Reduction.

- (1) General Standards. In all areas of special flood hazard, the following provisions are required:
- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
 - (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.
 - (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Ordinance shall be undertaken only if said nonconformity is not further extended or replaced.
 - (k) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
 - (l) All subdivision proposals and other proposed new development proposals shall meet the standards of ~~§Article V, Section B12-407(2).~~
 - (m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.
 - (n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

- (2) Specific Standards. In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in §Article V, Section A12-407(1), are required:
- (a) Residential Structures. In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than four (4) feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".
 - (b) Non-Residential Structures. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".
 - (c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - (i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade.
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - (iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of §Article V, Section B12-407(2).
 - (d) Standards for Manufactured Homes and Recreational Vehicles.
 - (i) The City of Belle Meade regulates elsewhere in this code certain improvements to real property including the prohibition of manufactured homes and the parking of recreational vehicles. Without modification of, and consistent with, the other provisions of this code, the City hereby adopts the following additional provisions:
 - (ii) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- (iii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than four (4) feet above the level of the Base Flood Elevation.
- (iv) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of ~~§Article V, Sections A and B12-407(1) and §12-407(2).~~
- (v) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (vi) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days, unless a shorter period of time is proscribed elsewhere in this Code;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - 3) The recreational vehicle must meet all the requirements for new construction.
- (e) Standards for Subdivisions and Other Proposed New Development Proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonable safe from flooding.
 - (i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - (ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - (iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (3) Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated.

Located within the Special Flood Hazard Areas established in ~~§Article III, Section B12-405(2)~~, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee

registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Belle Meade, Tennessee and certification thereof.

- (b) The city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revisions, fulfills the requirements for such revisions as established under the provisions of CFR §65.12, and received the approval of FEMA.
 - (b)(c) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of ~~Article V, Sections A and B~~ 12-407(1) and 12-407(2).
 - (c)(d) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation of the 2-year storm event shall not be included in the compensating storage calculations. Every effort shall be made to preserve natural flow lines.
- (4) Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated. Located within the Special Flood Hazard Areas established in ~~Article III, Section B~~ 12-405(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:
- (a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when the water surface elevation of the base flood more than one-tenth (0.1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
 - (a)(b) A community may permit encroachments within Zones AE on the community's FIRM, that would result in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of CFR §65.12, and receives the approval of FEMA.
 - (b)(c) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of ~~§Article V, Sections A and B~~ 12-406(1) and §12-406(2).
 - (c)(d) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation of the 2-year storm event shall not be included in the compensating storage capacity calculation. Every effort shall be made to preserve natural flow lines.
- (5) Standard for Unmapped Streams. Located within the City of Belle Meade, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:
- (a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a

Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-tenth (0.1) foot at any point within the Belle Meade.

- (b) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with ~~§Articles IV and V~~ 12-406 and §12-407.
- (c) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation of the 2-year storm event shall not be included in the compensating storage capacity calculation. Every effort shall be made to preserve natural flow lines.

12-408. Variance procedures.

- (1) Municipal Board of Building Code Appeals.

- (a) Authority.

The City of Belle Meade, Board of Building Code Appeals, shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

- (b) Procedure.

Meetings of the Board of Building Code Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Building Code Appeals shall be open to the public. The Board of Building Code Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Building Code Appeals, if any, shall be set by the Commissioners.

- (c) Appeals: How Taken.

An appeal to the Board of Building Code Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Floodplain Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Building Code Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$100.00 (one-hundred dollars) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Floodplain ~~City Building Administrator Official~~ shall transmit to the Board of Building Code Appeals all papers constituting the record upon which the appeal action was taken. The Board of Building Code Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest, and decide the same within a reasonable time which shall not be more than fourteen (14) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

- (d) Powers.

The Board of Building Code Appeals shall have the following powers:

- (i) Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the ~~City Building Official~~ Floodplain

| Administrator or other administrative official in the carrying out or enforcement of any provisions of this Ordinance.

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

- 1) The City of Belle Meade, Board of Building Code Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined herein upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Board of Building Code Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Title and Chapter, the Board of Building Code Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(iii) Imposition of Penalties: The City declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Belle Meade of not more than fifty dollars (\$50.00). Each day of violation shall constitute a separate violation.

1) Measuring civil penalties. In assessing a civil penalty, the Board of Building Code Appeals may consider:

- a) The harm done to the public health or the environment;
- b) The duration and gravity of the violation(s);
- c) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- d) The economic benefit gained by the violator;
- e) The amount of effort put forth by the violator to remedy this violation;
- f) Whether the violation(s) was committed intentionally;
- g) The prior record of the violator in complying or failing to comply with the floodwater management program;
- h) Any unusual or extraordinary enforcement costs incurred by the city;
- i) The amount of penalty established by ordinance or resolution for specific categories of violations; and
- j) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

(iv) Recovery of damages and costs. In addition to the civil penalty in subsection (21) above, the Board of Building Code Appeals may recover:

- 1) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- 2) The costs of the city's maintenance of floodwater facilities when the user of such facilities fails to maintain them as required by this ordinance.

(2) Conditions for Variances.

- (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in §Article VI, Section A-12-408(1).
- (b) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; or (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates from flood insurance, and that such construction below the base flood level increases risks to life and property.

- (d) The ~~Floodplain City Building Official~~Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

12-409. Legal Status Provisions.

- (1) Conflict with Other Ordinances. In case of conflict between this Title and Chapter or any part thereof, and the whole or part of any existing or future Ordinance of the City of Belle Meade, Tennessee, the most restrictive shall in all cases apply.
- (2) Severability. If any section, clause, provision, or portion of this Title and Chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Title and Chapter which is not of itself invalid or unconstitutional.
- (3) Effective Date. This Ordinance shall become effective immediately after its passage on second reading in accordance with the Charter of the City of Belle Meade, Tennessee, and the public welfare demanding it.

CHAPTER 2
STORMWATER ORDINANCE

12-201. General provisions.

- (1) Purpose. It is the purpose of this ordinance to:
- (a) Protect, maintain, and enhance the environment of the City of Belle Meade and the public health, safety, and the general welfare of the citizens of the City, by controlling discharges of pollutants to the City'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 City;
 - (b) Enable the City of Belle Meade to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR 122 for stormwater discharges;
 - (c) Allow the City of Belle Meade 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 City, whether or not 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 pollutants as may be necessary to protect water quality;
 - (iv) Review and approve plans and plats for stormwater management for properties throughout the City;
 - (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 City of Belle Meade shall administer the provisions of this ordinance.
- (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 implement to facilitate the necessary control of stormwater.

12-202. Definitions.

For the purpose of this ordinance, 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 City declares that any person violating the provisions of this chapter may be assessed a civil penalty by the City of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.
- (2) “*Aquatic Resources Alteration Permit*” (*ARAP*) is a permit required to make an alteration to a stream, river, lake, or wetland. Physical alterations to properties of Waters of the State require an ARAP or a §401 Water Quality Certification (§401 certification). Examples of stream alterations that require a permit from the Division include:
 - (a) Dredging, excavation, channel widening, or straightening;
 - (b) Bank sloping and/or bank stabilization;
 - (c) Channel relocation;
 - (d) Water diversions or withdrawals;
 - (e) Dams, weirs, dikes, levees, or other similar structures;
 - (f) Flooding, excavating, draining, and/or filling a wetland;
 - (g) Road and utility crossings; and
 - (h) Structural fill.

General ARAPs are developed and maintained by the Division to provide a streamlined, expedited means of authorizing projects that singularly or cumulatively proposed minor impacts to water resources.

- (3) “*As-Built*” or “*Record drawings*” means a set of drawings and documents that delineate and describe the as-built condition of stormwater control measures and stormwater management facilities as actually constructed, including but not limited to elevation, size, type, slope, location, etc. These drawings and associated documents shall be prepared by a registered professional engineer or registered landscape architect that is familiar with the city-approved stormwater management plan for the property and may be based on as-built survey information prepared by a registered land surveyor.
- (4) “*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. Where structural BMPs are facilities that help prevent pollutants in stormwater runoff from leaving the site and non-structural BMPs are techniques, activities and processes that reduce pollutants at the source.
- (5) “*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 for the purpose of this Ordinance.
- (6) “*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.

- (7) “City” is the City of Belle Meade.
- (8) “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 powerlines for sight distance or other maintenance and/or safety concerns, or cold planning, 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.).
- (9) “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.
- (10) “Community water” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City of Belle Meade. It may be necessary to use methodology from Standard Operating Procedures for Hydrologic Determinations (see rules to implement a certification program for Qualified Hydrologic Professionals, TN Rules Chapter 0400-40-17) to identify a community water.
- (11) “Design storm event” means a hypothetical storm event, of a given frequency interval and duration, 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-year, 2-year, 5-year, 10-year, 25-year, etc.,) in terms of either 24-hour 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.
- (12) “Discharge” means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
- (13) “Disturbed area” means the total area presented as part of the development (and/or of a larger common plan of development or sale) subject to being cleared, graded, grubbed, filled or excavated during the life of the development. The area cannot be limited to only the portion of the total area that the site-wide owner/developer initially disturbs through the process of various land clearing activities or in the construction of roadways, sewers, drainfields, and water utilities, stormwater drainage structures, etc., to make the property marketable.
- (14) “Division” means the Division of Water Resources of the State of Tennessee, Department of Environment and Conservation.
- (15) “Easement” means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, city or other legal entity has in the land of another.

- (16) *“Erosion”* means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by human activities or effects.
- (17) *“Erosion prevention and sediment control plan (EPSC plan)”* means a written plan (including drawings or other graphic representations) that is designed to minimize the erosion and sediment runoff at a site during construction activities.
- (18) *“Exceptional Tennessee Waters (ETWs)”* are surface waters designated by the Division 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 designed as lands unsuitable for mining; waters with naturally reproducing trout; waters with exceptional biological diversity and other waters with outstanding ecological or recreational value.
- (19) *“Illicit connections”* means illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
- (20) *“Illicit discharge”* means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under §7(2).
- (21) *“Improved sinkhole”* is a natural surface depression that has been altered in order to direct fluids into the hole opening. Improved sinkhole is a type of injection well regulated under TDEC’s Underground Injection Control (UIC) program. 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.
- (22) *“Land Disturbance Permittee Inspector”* is a person with one of the following qualifications:
 - a. a valid certification for “Fundamentals of Erosion Prevention and Sediment Control Level I” course,
 - b. a registered professional engineer or landscape architect licensed in the State of Tennessee,
 - c. a Certified Professional in Erosion and Sediment Control (CPESC), or
 - d. a valid certification for “Design Principles for Erosion Prevention and Sediment Control for Construction Sites Level II” course.

An inspector performs and documents the required inspections, paying particular attention to time-sensitive permit requirements such as stabilization and maintenance activities. An inspector may also have the following responsibilities:

- (a) Oversee the requirements of other construction-related permits, such as Aquatic Resources Alteration Permit (ARAP) or Corps of Engineers permit for construction activities in or around Waters of the State;
- (b) update field SWPPPs;
- (c) conduct pre-construction inspection to verify that undisturbed areas have been properly marked and initial erosion prevention and sediment control (EPSC) measures have been installed per the city-approved plan(s);
- (d) Perform twice weekly inspections as described in the Tennessee Department of Conservation (TDEC) Construction General Permit (CGP) to verify and document the functionality and performance of the EPSC measure described in the EPSC plan and Stormwater Pollution Prevention Plan for all developments and redevelopments requiring a land disturbance permit as determined by this Ordinance; and

- (e) inform the permit holder of activities that may be necessary to gain or remain in compliance with the TDEC CGP, Land Disturbance Permit, and other environmental permits.
- (23) *“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 substances; 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.
- (24) *“Maintenance”* means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
- (25) *“Maintenance agreement”* means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- (26) *“Municipal separate storm sewer system (MS4)”* is defined in 40 CFR §122.266(b)(8) to mean a conveyance or system of conveyances (e.g., roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that are:
 - (a) Owned and operated by the City;
 - (b) Designed or used for collecting or conveying stormwater;
 - (c) Not a combined sewer; and
 - (d) Not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR §122.2.
- (27) *“National Pollutant Discharge Elimination System permit”* or a *“NPDES permit”* means a permit issued pursuant to 33 U.S.C. 1342.
- (28) *“Off-site facility”* means a structural stormwater control measure located outside the subject property boundary described in the permit application for land development activity.
- (29) *“On-site facility”* means a structural stormwater control measure located within the subject property boundary described in the permit application for land development activity.
- (30) *“Peak flow”* means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
- (31) *“Permanent stabilization”* means that all soil disturbing activities at the site have been completed and one of the three following criteria is met:
 - (a) 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;

- (b) 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; or
 - (c) 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.
- (32) “*Person*” means any and all persons, any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.
- (33) “*Point source (or outfall)*” means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure 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.
- (34) “*Pollutant*” means sewage, industrial wastes, or other wastes.
- (35) “*Priority area*” means any non-residential area located within the City.
- (36) “*Priority construction activity*” means land disturbance and/or construction activities discharging directly into, or immediately upstream of, waters of the state recognized as unavailable parameters for siltation/sedimentation or Exceptional Tennessee Waters.
- (37) “*Registered engineer*” or “*Registered landscape architect*” means someone certified and registered by the State Board of Architectural and Engineer Examiners pursuant to Section 62-202, Tennessee Code Annotated, to practice in Tennessee.
- (38) “*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.
- (39) “*Sediment*” means solid material, both inorganic (mineral) and organic, that is in suspension, is being transported; or has been moved from its site of origin by air, water, gravity, or ice as a product of erosion.
- (40) “*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, dam, 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 the 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 Tennessee Waters, or waters with available parameters).
- (41) “*Sedimentation*” means the action or processing of forming or depositing sediment.
- (42) “*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.
- (43) “*Soil*” means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for growth of plants.
- (44) “*Steep slope*” means a natural or created slope of 35% grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff around or over a steep slope so as not to erode the slope. In addition, site

managers should focus on erosion prevention on the slopes and stabilize the slopes as soon as practicable to prevent slope failure or sediment discharges from the project.

- (45) “*Stormwater*” means stormwater runoff, snow melt runoff, surface runoff, and drainage.
- (46) “*Stormwater Control Measure (SCM)*” means permanent practices and measures designed to reduce the discharge of pollutants from new development projects or redevelopment projects.
- (47) “*Stormwater management facilities*” means the drainage structures, conduits, ponds, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
- (48) “*Stormwater management plan*” means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, SCMs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
- (49) “*Stormwater management program*” refers to a comprehensive program to manage the quality of stormwater discharged from the municipal separate storm sewer system.
- (50) “*Stormwater Pollution Prevention Plan (SWPPP)*” means a written site-specific plan required by the Construction General Permit 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. It must be prepared and submitted before construction begins. In order to effectively reduce erosion and sedimentation impacts, Best Management Practices (BMPs) must be designed, installed and maintained during land disturbing activities. The SWPPP should be prepared in accordance with the Tennessee Erosion and Sediment Control Handbook.
- (51) “*Stream*” is a surface water that is not a wet weather conveyance. Therefore, as used in this ordinance, “*stream*” includes lakes, wetlands, and other non-linear surface waters.
- (52) “*Take*” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct with an endangered species.
- (53) “*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. However, if future construction activity is planned, permit coverage continues.
- (54) “*Tennessee Department of Environment and Conservation (TDEC) Level I & Level II Trained Individual*” means an individual who has successfully completed the Level I Fundamentals course and the Level II Design Principles for Erosion Prevention and Sediment Control at Construction Sites course conducted by the Tennessee Water Resources Research Center.
- (55) “*Tennessee Erosion and Sediment Control Handbook*” is 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. The handbook is designed to provide information to planners, developers, engineers, and contractors on the proper selection, installation, and maintenance of BMPs. The handbook is intended for use during the design and construction of projects that require erosion and sediment controls to protect waters of the state.
- (56) “*Total maximum daily load (TMDL)*” means the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 C.F.R. 130.2(I)). TMDL is a study that quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant and recommends regulatory or

other actions that may need to be taken in order for the stream to cease being polluted. TMDLS can also be described by the follow equation:

$$\text{TMDL} = \text{sum of nonpoint sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

- (57) “*Waste site*” means an area where waste 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) “*Water Quality Riparian Buffer*” – See “*Buffer Zone*”.
- (59) “*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.
- (60) “*Waters with unavailable parameters*” means any segment of surface waters that has been identified by the Division 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, and the results of recent field surveys.
- (61) “*Watershed*” means all the land area that contributes runoff to a particular point along a waterway.
- (62) “*Wet weather conveyances*” are man-made or natural watercourses, including natural watercourses that have been modified by channelization, that meet the following:
 - (a) The conveyance carries flow only in direct response to precipitation runoff in its immediate locality.
 - (b) The conveyance’s channels are at all times above the groundwater table.
 - (c) The flow carried by the conveyance is not suitable for drinking water supplies.
 - (d) 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)).

12-203. Construction Stormwater Management and Land Disturbance Permit Requirements

- (1) All land disturbing activities shall employ adequate erosion prevention and sediment control (EPSC) measures to minimize erosion and prevent off-site sedimentation in conformance with the provisions of this ordinance and guidance materials referenced herein. Land disturbing or construction activities that do not employ EPSC measures in conformance with this ordinance and that cause off-site sedimentation or sediment discharges to Waters of the State or onto adjacent properties shall be in violation of this ordinance.
- (2) The City has adopted, for use in the design of EPSC measures, the design storm requirements from the current Tennessee Construction General Permit (CGP) for all Waters as well as special conditions for unavailable parameters for siltation/sedimentation or Exceptional Tennessee Waters (ETWs).

- (3) MS4 Stormwater Control Measure (SCM) design or Best Management Practice (BMP) manuals.
- (a) Adoption. The City adopts as its MS4 SCM design and BMP manuals for stormwater management, construction and permanent, the following publications, which are incorporated by reference in this ordinance as if fully set out herein:
- (i) TDEC Erosion Prevention and Sediment Control Handbook; current edition.
- (ii) Tennessee Permanent Stormwater Management and Design Guidance Manual, current edition.
- (iii) A collection of MS4 approved SCMs and BMPs developed or collected by the MS4 that comply with the goals of the MS4 permit and/or the Construction General Permit (CGP).
- (b) The City's SCM and BMP manual(s) include a list of acceptable SCMs and BMPs including the specific design performance criteria and operation and maintenance requirements for each stormwater practice. These include city-approved SCMs for permanent stormwater management including green infrastructure SCMs.
- (c) The City manual(s) may be updated and expanded from time to time, at the discretion of the governing body of the City, upon the recommendation of the City of Belle Meade, based on improvements in engineering, science, monitoring and local maintenance experience, or changes in federal or state law or regulation.
- (4) Development or redevelopment. This section shall be applicable to all development and redevelopment, including, but not limited to, site plan applications, subdivision applications, and land disturbance permit (LDP) applications. These standards apply to any new development or redevelopment sites according to Table 1 below:

Table 1 – LDP Requirements					
Total Disturbed area	LDP Required?	City forms/checklists to complete	Stormwater Management Plan required?	CGP coverage required?	Water Quality Riparian Buffer Required?
< 10,000 ft ²	No, except see §12-203(4)(a)	None	No	No	No
<10,000 ft ² , with swimming pool construction	Yes	Application and Checklists	Yes; See Checklists and Table 2	No	See Table 4
10,000 ft ² – 0.99 acre	Yes	Application and Checklists	Yes; See Checklists and Table 2	No	See Table 4
1 acre or greater or part of a larger common plan of development of sale	Yes	Application and Checklists	Yes; See Checklists and Table 2	Yes	See Table 5

- (a) A LDP shall also be required if one of the following conditions apply:
- (i) The City of Belle Meade 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;
- (ii) The City of Belle Meade has determined that the stormwater discharge is, or is likely to be a significant contributor of pollutants to Waters of the State;

- (iii) 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, or otherwise require construction, to obtain a LDP;
 - (iv) Any new development or redevelopment, regardless of disturbance, that is defined by the City of Belle Meade to be a priority area;
 - (v) New development or redevelopment within the floodplain;
 - (vi) New development or redevelopment that involves land development activity of one acre or more if such activities are part of a larger common plan of development, even multiple activities, that is part of a separate and distinct land development activity that may take place at different times on different schedules; or
 - (vii) A permit may also be required for other comparable activities as determined by the City. (e.g. increased impervious area).
- (b) LDP applications shall be approved only when the following is met:
 - (i) For residential and non-residential developments requiring a LDP (See Table 1), EPSC plan(s), a Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Management Plan shall be required. Forms provided in Appendix A of this ordinance must be completed and submitted with the LDP application. These forms may be altered as deemed necessary by the City to modify the information required to be provided by the applicant provided that such modification preserves the intent of this ordinance and does not alter the design criteria, or the water quality standards contained therein.
- (5) Building permit. No building permit shall be issued until the applicant has obtained a LDP where the same is required by this ordinance.
- (6) Permit duration. Every LDP shall expire and become null and void if substantial progress authorized by such permit has not been completed within any six (6) month period following the issuance. Permit extension requests may be made in writing to the City.
- (7) Changes to Approved LDP Plans. The applicant must submit revised plans to the City for review and approval if changes are proposed to the originally city-approved plans. The revised plans must be submitted prior to changes being implemented in the field.
- (8) Construction site operators. Construction site operators are required to control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites within the City to avoid adverse impacts to water quality.
- (9) Inspections and Maintenance.
 - (a) Right of Entry.
 - (i) The City may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), community water(s) or via any other private or public stormwater management facility and/or SCM during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.
 - (ii) Where a property, site, or facility has security measures in place that require proper identification and clearance before entry into its premises, the person shall make necessary arrangement with its security personnel so that, upon presentation of suitable identification, the City of Belle Meade will be permitted to enter without delay for the purposes of performing specific responsibilities as it relates to the provisions of this ordinance.

- (b) LDP EPSC inspections. The LDP permittee shall perform routine inspections as follows:
 - (i) Inspections shall be performed in conformance with the inspection requirements of the TDEC CGP. This requirement applies for all projects that require an LDP.
 - (ii) Inspections shall be documented and the permittee shall maintain records of the documented inspections on site (or other location accessible to the City).
 - (iii) All erosion prevention and sediment control (EPSC) measures shall be inspected to verify and document the functionality and performance of the measures as designed per the city-approved plans.
 - (c) All EPSC measures shall be maintained by the LDP permittee to ensure that they are functioning as designed. Failure to maintain measures constitutes a violation of this ordinance.
- (10) Performance bonds or letter of credit.
- (a) The City of Belle Meade may, at its discretion, require the submittal of a performance bond or letter of credit prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance bond or letter of credit shall be the total estimated construction cost of the SCMs and/or stormwater management facilities approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment, or rejection by the City of Belle Meade. Alternatively, the City of Belle Meade shall have the right to calculate the estimated cost of construction.
 - (b) The performance bond or letter of credit shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer or registered landscape architect licensed to practice in Tennessee that the SCM(s) and/or stormwater management facilities have been installed in accordance with the city-approved plan(s) and other applicable provisions of this ordinance. The City of Belle Meade will make a final inspection of the SCM(s) and/or stormwater management facilities to ensure that they are in accordance with the city-approved plan(s), as-built plans, and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance bond or letter of credit based on the completion of various development stages can be made at the discretion of the City of Belle Meade.
- (11) Submittal of a copy of the Notice of Coverage (NOC) and Notice of Termination (NOT) to the City. Permittees that are required to obtain coverage under the CGP must provide TDEC NOC and at project completion, a copy of the signed TDEC NOT to the City of Belle Meade.
- Copies of additional applicable local, state, or federal permits (i.e.: ARAP, etc.) must also be provided to the City. The City has the authority to withhold the LDP prior to receiving copies of the aforementioned permits. Note: Any discharge of stormwater or other fluid to an improved sinkhole or other injection well, as defined, must be authorized by permit or rule as a Class V underground injection well under the provisions of Tennessee Department of Environment and Conservation (TDEC) Rules, Chapter 0400-45-06.
- (12) Stormwater Pollution Prevention Plan and EPSC Plan requirements. The erosion prevention and sediment control plan component of the SWPPP shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these

problems. The purpose of this plan is to identify construction/contractor activities that could cause pollutants in the stormwater, and to describe measures or practices to control these pollutants during project construction. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. If necessary, the plan shall be staged so that changes to the site during construction that alter drainage patterns or characteristics will be addressed by an appropriate stage of the plan.

The plan shall be prepared by a registered professional engineer or registered landscape architect licensed in the State of Tennessee that possesses an active TDEC Level II certification. The plan shall also conform to the requirements found in the city-adopted manuals

(13) 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 stabilize. 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 not later than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased (7 days for slopes of 35 percent or steeper). 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 is temporarily ceased, and earth disturbing activities will be resumed within 14 days.
- (b) Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practicable) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as practicable. Unpacked gravel containing fines (silt and clay sized particles), or crusher runs will not be considered a non-eroding surface.
- (c) The following criteria shall apply to revegetation efforts:
 - (i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.
 - (ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
 - (iii) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.
 - (iv) Prior to receiving Use and Occupancy, permanent stabilization must be established over the entire site.
 - (v) In addition, the remedies and sanctions provided herein, the enforcement of these provisions shall also be subject to the Property Maintenance Regulations, Title 13, Code of the City of Belle Meade.

12-204. Permanent stormwater management: design requirements

- (1) General design performance criteria for permanent stormwater management. Permanent stormwater management requirements for new development and redevelopment are summarized in Table 2 below:

Table 2 – Permanent Stormwater Management for New Development and Redevelopment			
Total Disturbed area	Stormwater Runoff Quantity Requirements	Stormwater Runoff Quality Requirements	Comments
< 10,000 ft ²	None unless deemed necessary by the City	None unless deemed necessary by the City due to an increase in impervious area	Allowing runoff from impervious surfaces to flow over pervious surfaces (e.g. driveway runoff allowed to sheet flow across yard) is encouraged.
< 10,000 ft ² , with swimming pool construction	None unless deemed necessary by the City	One non-structural water quality improvement	Examples include disconnected roof drains, sheet flow of impervious surfaces runoff, or vegetated filter strips.
10,000 ft ² – 0.99 acre	See Checklists and §12-204(4).	One non-structural water quality improvement	
1 acre or more	See Checklists and §12-204(4).	Water Quality Treatment Volume See §12-204(2).	

(2) Performance criteria.

- (a) The following performance criteria shall be addressed for permanent stormwater management at all new development or redevelopment sites that disturb one acre or greater, or are part of a larger common plan of development or sale:
- (i) The design storm for water quality treatment design shall be the 1-year, 24-hour design storm event.
 - (ii) All roof runoff is presumed to be contaminated and, therefore, is to be included within the water quality treatment volume.
 - (iii) The water quality treatment volume (WQTV) is the portion of the runoff generated from impervious surfaces at a new development or redevelopment project from the design storm. SCMs must be designed, at a minimum to achieve an overall treatment efficiency of eighty percent (80%) TSS removal from the WQTV. The quality of the WQTV that must be provided from a new development or redevelopment depends on the type of treatment provided, as established in the following table:

Table 3 – Water Quality Treatment Volume and the Corresponding SCM Treatment Type for the 1-year, 24-hour Design Storm

SCM Treatment Type	WQTV	Notes
Infiltration, evaporation, transpiration, and/or reuse	Runoff generated from the first 1 inch of the design storm	Examples include, but are not limited to, bioretention, stormwater wetlands, and infiltration systems.
Biologically active filtration, with an underdrain	Runoff generated from the first 1.25 inches of the design storm	To achieve biologically active filtration, SCMs must provide minimum of 12 inches of internal water storage.
Sand or gravel filtration, settling ponds, extended detention ponds, and wet ponds	Runoff generated from the first 2.5 inches of the design storm or the first 75% of the design storm, whichever is less	Examples include, but are not limited to, sand filters, permeable pavers, and underground gravel detention systems. Ponds must provide forebays comprising a minimum of 10% of the total design volume. Existing regional detention ponds are not subject to the forebay requirement.
Hydrodynamic separation, baffle box settling, other flow-through manufactured treatment devices (MTDs), and treatment trains using MTDs	Maximum runoff generated from the entire design storm	Flow-through MTDs must provide an overall treatment efficiency of at least 80% TSS reduction.

(iv) Treatment trains using MTDs shall use the following calculation:

$$R = A + B - (A \times B) / 100$$

Where:

R = total TSS percent removal from application of both SCMs

A = the TSS percent removal rate applicable to the first SCM

B = the TSS percent removal rate applicable to the second SCM

TSS removal rates for MTDs must be evaluated using industry-wide standards.

TSS removal rates for other SCMs must be from published reference literature.

(v) Treatment trains using infiltration, evaporation, transpiration, reuse, or biologically active filtration followed by sand or gravel filtration, settling ponds, extended detention ponds, or wet ponds may subtract the treated WQTV of the upstream SCMs from the WQTV of the downstream SCMs.

(vi) Additional requirements for infiltration-based SCMs are as follows:

- 1) Infiltration testing shall be required for all infiltration-based SCMs;
- 2) The project designer shall select the appropriate infiltration testing methodology, such as those provided within Appendix A of the Tennessee Permanent Stormwater Management and Design Guidance Manual ; and
- 3) At a minimum, testing shall identify a minimum 2-foot separation from bedrock and the seasonal high-water table from the invert of the infiltration-based SCM(s).

- (vii) 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 development or redevelopment.
 - (viii) Incentive Standards: For any one of the following types of development or redevelopment shall receive a twenty percent (20%) reduction in the water quality treatment volume. Such credits are additive such that a maximum reduction of forty percent (40%) of the WQTV is possible:
 - 1) Redevelopment; and
 - 2) Vertical Density, (Floor to Area Ratio (FAR) of 2 or at least 18 units per acre).
- (3) Minimum volume control requirements. In accordance with §12-201(1)(c)(iii) the City of Belle Meade establishes the following standards to regulate the quantity of stormwater discharged, therefore:
- (a) All site designs requiring a stormwater management plan or as otherwise required by the City of Belle Meade shall control the peak flow rates of stormwater discharge associated with design storms specified in Appendix A of this ordinance and reduce the generation of post construction (or permanent) stormwater runoff to pre-development levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
 - (b) Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in Appendix A of this ordinance.
 - (c) Stormwater designs shall consider the pre-developed flow conditions (i.e. sheet flow, concentrated flow) and attempt to mimic these flow conditions in the post-developed condition to avoid adverse downstream impacts.
 - (d) The calculations methods required for determining peak flows as found in Appendix A of this ordinance shall be used for sizing all stormwater facilities. Other hydrological methods of determining peak runoff may be substituted; however, they will be subject to the City of Belle Meade's engineering consultant's review for appropriateness.
 - (e) The maximum distance that a roof downspout may extend perpendicular from a structure is ten (10) feet. Up to three separate roof downspouts may be collected into a single collector pipe to be discharged the maximum perpendicular distance of ten (10) feet from the structure. A maximum ten (10) feet of roof drainage piping may be buried before the pipe outlets. Alternatively, a plan prepared by a Tennessee registered professional engineer or landscape architect that does not meet the requirements of this section but otherwise complies with the requirements of a LDP may be accepted subject to the City of Belle Meade's engineering consultant's review for appropriateness.
 - (f) Exception to the minimum volume control requirements: If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Belle Meade may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
- (4) Permanent stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the City of Belle Meade to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The permanent stormwater management plan must be prepared by a professional engineer or landscape architect registered in the State of Tennessee.

- (5) Long-Term Maintenance Plan requirements. The design and planning of all permanent stormwater management facilities shall include detailed inspection and maintenance procedures to ensure the performance standards of this Ordinance. These plans will identify the parts or components of a stormwater management facility and/or SCM(s) that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

12-205. Water Quality Riparian Buffers.

Purpose. A water quality riparian buffer shall be established, protected, and maintained along all community waters in areas of new development and redevelopment for which a LDP is required, as defined in §12-203, is required in accordance with Table 4 or Table 5 below, as applicable. The goal of the water quality riparian buffer is to preserve undisturbed vegetation that is native to the streamside habitat in the area of the project. Vegetated, preferably native, water quality riparian buffers protect water bodies by providing structural integrity and canopy cover, as well as stormwater infiltration, filtration and evapotranspiration.

Table 4 – Temporary and Permanent Water Quality Riparian Buffer Requirements for Sites That Disturb < 1 acre (no CGP coverage required)		
Community water characteristics	Permanent buffer	During construction (temporary) buffer
All community waters	20-feet (City-approved buffer enhancement plan required for buffer encroachment)	20-feet (City-approved buffer enhancement plan required for buffer encroachment)

Table 5 – Temporary and Permanent Water Quality Riparian Buffer Requirements for Sites That Require CGP Coverage			
Community water characteristics	Average Buffer Width (feet)	Minimum Buffer Width (feet)	Notes
Community water with available parameters for siltation/sedimentation or habitat alteration or unassessed waters	30	15	The criteria for the width of the buffer zone can be established on an average width basis at a project, as long as the minimum width of the buffer zone is more than the required location. If the new development or redevelopment site encompasses both sides of the stream, buffer averaging can be applied to both sides, but must be applied independently.
Community water with unavailable parameters for siltation/sedimentation or habitat alteration and/or an Exceptional Tennessee Water (ETW)	60	30	

- (a) The buffer width shall be measured perpendicular from the top of bank on each side of the community water channel; around the perimeter of a pond or lake identified as a community water measured as perpendicular to the contour at which normal pool is located around; and around the perimeter of a wetland identified as a community water.
- (b) The water quality riparian buffer is to remain undisturbed except for the following permissible land uses which are allowed subject to approval by the City:
 - (i) Greenways, biking trails, and walking trails;
 - (ii) Infiltration-based SCMs such as infiltration trenches and biofiltration basins may be allowed on a case-by-case basis if approved in writing by the City. This can only be approved if such SCMs improve the biodiversity or aesthetic appearance of the buffer areas. Economics or

constructability of a development cannot be used as criteria for allowing an SCM to be placed in the buffer;

- (iii) Road and utility crossings. Private drives and private utility crossings may also be approved by the City upon review of a complete submittal demonstrating that there is no feasible alternative route;
- (iv) Selective landscaping and/or habitat improvement.
- (c) Subject to the requirements of this ordinance and the City, any approved disturbance of the water quality riparian buffer shall be revegetated in kind and/or enhanced. The vegetative target for the inner zone is mature, moderately dense forest (i.e., trees) with woody shrubs and understory vegetation. Where forest vegetation has the potential to impact traffic safety or limit access, areas immediately surrounding approved stream crossings and utility access areas may be vegetated with dense grasses.
- (d) For any proposed development and/or construction activity within or adjacent to a water quality riparian buffer, the following shall be required.
 - (i) The parameters of the water quality riparian buffer shall be delineated by the applicant and boundaries shall be clearly indicated and labeled on all plats, plans, permits and official maps.
 - (ii) Include a note on plans to reference protective covenants governing all water quality riparian buffer areas, labeled as: "Any water quality riparian buffer is subject to protective covenants recorded in the Register of Deeds (Davidson County). Disturbance and use of these areas is restricted; severe penalties apply."
 - (iii) Water quality riparian buffers shall be protected during construction activities by a combination of fencing and flagging to prevent entry of construction equipment, storage and stockpiling. Buffer boundaries shall be marked during construction activities.

12-206. Permanent stormwater management: operation, inspection, and maintenance.

- (1) Requirements. Prior to project completion and use and occupancy, the following must be submitted and accepted by the city:
 - (a) As-Built (Record) Drawings. All LDP permittees are required to submit as-built drawings for any SCMs and/or stormwater management facilities located on-site within 90 days after final construction of the SCMs has been completed. The drawing(s) must show the final design specifications for all stormwater management facilities and/or SCMs and must be sealed by a registered professional engineer licensed to practice in Tennessee. The drawing(s) shall include at the minimum the following:
 - (i) Location map of SCM(s) within project site;
 - (ii) An engineer's certification letter certifying that the as-built conditions conform to the approved design plans and specifications;
 - (iii) Description of any variations from the approved design plans and specifications, if any;
 - (iv) A brief description of the type of SCM(s) and basic design characteristics;
 - (v) As-built design parameters including but not limited to invert elevations, outlet structure elevations, subbase layer depths, etc.;
 - (vi) The property owner contact information;

- (vii) Inspection schedule(s);
 - (viii) A brief description of or reference to maintenance procedures and frequency; and
 - (ix) Photographs of the installed SCM(s).
- (b) A final inspection by the City of Belle Meade is required before occupation permits will be granted. Occupation permits shall not be granted until corrections to all SCMs have been made and accepted by the City of Belle Meade.
- (2) SCM Inspection Requirements.
 - (a) Routine inspection of all SCMs and/or stormwater management facilities shall be performed by the property owner or other qualified professional on a minimum annual basis or as specified in the LTMP. These inspections shall be conducted by one of the following a registered professional engineer, registered landscape architect, or other qualified professional familiar with applicable SCM design and maintenance requirements.
 - (b) Comprehensive inspections of all SCMs and/or stormwater management facilities shall be performed once every five years by a registered professional engineer or registered landscape architect. Complete inspection reports for these five-year inspections shall include a minimum of the following:
 - (i) Location map of SCM(s) within project site;
 - (ii) A brief description of the type of SCM(s) and basic design characteristics;
 - (iii) Description of current SCM(s) conditions;
 - (iv) The property owner contact information
 - (v) Inspection date;
 - (vi) Specific maintenance items or violations that need to be corrected by the SCM owner along with timeline for maintenance;
 - (vii) Maintenance records, if any; and
 - (viii) Current photo of SCM(s).
 - (c) Inspections, whether routine or comprehensive, shall be submitted annually to the City by July 1.
- (3) SCM and stormwater management facilities inspections. SCMs and/or stormwater management facilities shall be inspected by the LDP permittee on a regular basis during construction and by the property owner after construction has been completed to ensure that they are functioning as designed.
 - (a) Inspections shall be documented per §12-206(2) of this ordinance and provided to the City when requested.
 - (b) In addition to those sanctions provided herein, the maintenance of a SCM and/or stormwater management facility is subject to Property Maintenance Regulations, Title 13, Code of the City of Belle Meade.
- (4) Records of installation and maintenance activities. Property owners responsible for the operation and maintenance of a stormwater management facility and/or SCM(s) 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 City of Belle Meade during inspection of the facility and at other reasonable times upon request.

- (5) Failure to meet or maintain design or maintenance standards. If a LDP permittee or property owner fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the City of Belle Meade, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City of Belle Meade shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the LDP permittee or property owner shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City of Belle Meade may take necessary corrective action. The cost of any action by the City of Belle Meade under this section shall be charged to the property owner.

12-207. Existing problem locations – no maintenance agreement.

- (1) Requirements for all existing locations and developments. The requirements of this ordinance shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance including:
- (a) Denuded areas must be vegetated or covered under the standards and guidelines specified §12-203(12)(c)(i), (ii), (iii) and on a schedule acceptable to the City.
 - (b) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
 - (c) Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel linings, etc., to prevent erosion.
 - (d) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
 - (e) Stormwater runoff shall, at the discretion of the City be treated to the maximum extent practicable to prevent pollution of waters. 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/pavers
 - (iv) Filtering systems
 - 1) Media filter
 - 2) Sand filter
 - 3) Filter/absorption bed

- 4) Filter and buffer strips
- (v) Open channel
 - 1) Swale
- (6) Inspection of existing facilities. The City of Belle Meade 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 pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the City's NPDES 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 SCMs.
- (7) Maintenance of existing facilities. The City of Belle Meade 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.
- (8) Corrections of problems subject to appeal. Corrective measures imposed by the City under this section are subject to appeal under section §12-211 of this chapter.

12-208. Illicit discharges.

- (2) Scope. This section shall apply to all water generated on developed or undeveloped land entering the City's separate storm sewer system.
- (3) 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 or any discharge that flows from stormwater management facility or SCM that is not inspected in accordance with section §12-205 shall be an illicit discharge. 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) Uncontaminated discharges from the following sources:
 - (i) Water line flushing or other potable water sources;
 - (ii) Landscape irrigation or lawn watering with potable water;
 - (iii) Diverted stream flows;
 - (iv) Rising ground water;
 - (v) Uncontaminated groundwater 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);
 - (vi) Uncontaminated pumped groundwater;

- (vii) Foundation drains;
- (viii) Air conditioning condensate;
- (ix) Irrigation water;
- (x) Springs;
- (xi) Water from crawl space pumps;
- (xii) Footing drains;
- (xiii) Individual residential car washing (only if water is directed to flow across vegetated area);
- (xiv) Flows from riparian habitat or wetlands;
- (xv) Dechlorinated swimming pools (typically less than one PPM chlorine, or desalinated for saltwater pools);
- (xvi) Street wash water; and
- (xvii) Firefighting activities.
- (xviii) Discharges specified in writing by the City of Belle Meade as being necessary to protect public health and safety.
- (b) Dye testing is an allowable discharge if the City of Belle Meade has so specified in writing.
- (c) Discharges authorized by the Construction General Permit (CGP), which comply with Section 1.2.3. of the same:
 - (i) dewatering of collected stormwater and groundwater discharge in accordance with Section 4.1.3. of the CGP (filtering or chemical treatment may be necessary prior to discharge);
 - (ii) waters used to wash vehicles (of dust and soil, not process materials such as oils, asphalt, or concrete) where detergents are not used and detention and/or filtering is provided before the water leaves the site;
 - (iii) water used to control dust in accordance with CGP section 5.5.3.7.;
 - (iv) potable water sources, including waterline flushings, from which chlorine has been removed to the maximum extent practicable;
 - (v) routine external building washdown that does not use detergents or other chemicals;
 - (vi) uncontaminated, non-turbid groundwater or spring water;
 - (vii) foundation or footing drains where flows are not contaminated with pollutants (process materials such as solvents, heavy metals, etc.);
 - (viii) fire hydrant flushings;
 - (ix) landscape irrigation;
 - (x) pavement wash waters, provided spills or leaks or other toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used; and
 - (xi) uncontaminated air conditioning or compressor condensate.

- (4) Prohibition of illicit connections. 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.
- (5) Reduction of stormwater pollutants by the use of SCMs and/or BMPs. 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 SCMs and/or BMPs 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 SCMs that have not been maintained and/or inspected in accordance with this ordinance shall be regarded as illicit.
- (6) 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 City of Belle Meade in person or by telephone 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 City within seven (7) business days of the 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.
- (7) 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 City. Such illegal activity exposes runoff to contamination, generating an illicit discharge.

12-209. Enforcement.

- (1) Enforcement authority. The City shall have the authority to issue notices of violation and citations, to issue Cease and Desist orders, and to impose the civil penalties provided in this section. Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. If the person, property or facility has or is required to have a stormwater discharge permit from TDEC, the City shall alert the appropriate state authorities of the violation. The City's enforcement authority includes:
 - (a) Verbal Warnings – At a minimum, verbal warnings must specify the nature of the violation and required corrective action. Verbal warnings will be documented by the City.
 - (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 City 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 City’s own approval process affecting the facility’s ability to discharge to the City can be used to abate the violation.
 - (f) Additional Measures – The City may also use other escalated measures provided under local legal authorities. The City 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 City 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 City may serve upon such person written notice of the violation. All written notices will be documented and delivered by personal service or by registered or certified mail (return receipt requested) to the person that has violated or is violating this ordinance. Within ten (10) days of this notice or shorter period as may be prescribed in the 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 City. 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 City 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 City may order any person who violates this ordinance or permit or order issued hereunder, to show why a proposed enforcement action should not be taken. Notice shall be served on 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 City finds that any person has violated or continues to violate this ordinance 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 City finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City 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 City , 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 City. 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 City 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 ordinance and in the manuals adopted by the City under this Ordinance, the strictest standard shall prevail.

12-210. Penalties.

- (1) Violations. Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City of Belle Meade, shall be guilty of a civil offense.
- (2) Penalties. Under the authority provided in Tennessee Code Annotated §§68-221-1106, the City declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Belle Meade of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) or such lesser amount as may be allowed by law per day for each day of violation. Each day of violation shall constitute a separate violation.
- (3) Measuring civil penalties. In assessing a civil penalty, the City may consider:
 - (a) The harm done to the public health or the environment;
 - (b) The duration and gravity of the violation(s);
 - (c) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (d) The economic benefit gained by the violator;
 - (e) The amount of effort put forth by the violator to remedy this violation;
 - (f) Whether the violation(s) was committed intentionally;
 - (g) The prior record of the violator in complying or failing to comply with the stormwater management program;
 - (h) Any unusual or extraordinary enforcement costs incurred by the City;
 - (i) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (j) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
- (4) Recovery of damages and costs. In addition to the civil penalty in subsection (2) above, the City may recover:
 - (a) All damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing

compliance with, this ordinance, or any other actual damages caused by the violation.

- (b) The costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this ordinance.
- (5) Referral to TDEC. Where the City has used progressive enforcement to achieve compliance with this ordinance, and in the judgment of the City has not been successful, the City may refer the violation to TDEC. For the purposes of this provision, "progressive enforcement" shall mean two (2) follow-up inspections and two (2) warning letters. In addition, enforcement referrals to TDEC must include, at a minimum, the following information:
 - (a) Construction project or industrial facility location;
 - (b) Name of owner or operator;
 - (c) Estimated construction project or size or type of industrial activity (including SIC code, if known);
 - (d) Records of communications with the owner or operator regarding the violation, including at least two follow-up inspections, two warning letters or notices of violation, and any response from the owner or operator.
- (6) Other remedies. The City may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (7) 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.

12-211. 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 ordinance may appeal said penalty or damage assessment to the Board of Building Code Appeals.

- (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 Commissioners 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 or within the City's monthly newsletter or on the City's website. 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 Commissioners shall be final.
- (3) Appealing decisions of the Commissioners. Any alleged violator may appeal a decision of the Commissioners pursuant to the provisions of Tennessee Code Annotated, Title 27, Chapter 5.

CHAPTER 3

12-301. City of Belle Meade Stormwater Fee Ordinance. The City of Belle Meade Stormwater Fee Ordinance, Ord. # 2004-6, September 15, 2004 has been added to this section of its municipal code as Chapter 3.

12-302. Stormwater user fee adopted. In order to facilitate compliance with the Water Quality Act of 1977, pursuant to authority granted by §§ 68-221-1101 through 68-221-1113 of the Tennessee Code Annotated and for the purpose of providing stormwater management operations and establishing a stormwater user fee within the City of Belle Meade, the "Stormwater User Fee Ordinance," is hereby adopted.

- (1) Findings. The Commissioners of the City of Belle Meade make the following additional findings:
 - (a) The Water Quality Act of 1977 imposes upon municipalities certain obligations that require the expenditure of city funds.
 - (b) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater quantity and quality control service requirements and costs posed by properties throughout the city.
 - (c) Such schedule of service charges can be complemented by other funding methods that address specific needs, including, but not limited to, allocations of local option sales taxes to stormwater drainage improvement projects, collection of fees for special services including, but not limited to, plans review and inspections, and establishment of a capital recovery fee or fees consistent with state law.
 - (d) A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the city.
 - (e) Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the city, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits.
 - (f) The Belle Meade Level of Service and Maintenance Policies for Stormwater Infrastructure will be the guide for prioritizing stormwater infrastructure maintenance and capital improvement projects.
- (2) Definitions. As used in this chapter §12-302, unless the context clearly indicates otherwise, the following definitions apply:
 - (a) "*Credit*" shall mean a conditional reduction in the stormwater service charge amount to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by the property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the affect that such systems have on the peak rate of runoff from the individual property. Credits shall be defined and implemented in the City of Belle Meade Stormwater Credit Policy Manual.
 - (b) "*Customers of the stormwater utility*" shall include all persons, properties, and entities served by and/or benefiting from the City's acquisition, management, maintenance, extension, and improvement of the stormwater management programs, systems, and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and

entities which will ultimately be served or benefited as a result of the stormwater management program.

- (c) *“Detached dwelling unit”* shall mean developed land containing one structure which is not attached to another dwelling and which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings. Detached dwelling unit can also include developed land that has a non-residential use of a dwelling unit designed for occupancy for one family so long as such use does not result in additional impervious areas, such as parking spaces, impervious surfaced playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar nonresidential uses. Detached dwelling unit shall not include developed land containing: manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes; or multiple-unit residential properties.
- (d) *“Developed land”* shall mean property altered from a natural state by construction or installation of more than 200 square feet of impervious surfaces as defined in this chapter. Impervious area installed by a public utility within an easement on an undeveloped parcel does not count against the total impervious area on that parcel.
- (e) *“Duplexes and triplexes”* shall mean developed land containing two (duplex) or three (triplex) attached residential dwelling units located on one or more parcel(s) of land.
- (f) *“Equivalent residential unit (ERU)”* of impervious area shall mean the median impervious coverage of detached dwelling unit properties in the City of Belle Meade as determined by the city, and shall be used as the basis for determining stormwater service charges to detached dwelling unit properties or classes of detached dwelling unit properties and other properties. Twelve thousand two hundred (12,200) square feet of impervious area shall be one equivalent residential unit (ERU).
- (g) *“Flood control facilities”* shall mean all natural and manmade conveyances and structures for which the partial or full purpose or use is to convey surface flood runoff water within the jurisdictional boundaries of the City of Belle Meade. This includes all natural conveyances for which the city has assumed a level of maintenance responsibility, to which the city has made improvements, against the flooding of which the city must make provision to protect public and private property, or for which the city is accountable under federal or state regulations for protecting the water quality within its jurisdictional boundaries.
- (h) *“Impervious surfaces”* shall mean those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious areas include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.
- (i) *“Multiple dwelling unit residential properties”* shall mean developed land whereon four or more attached residential dwelling units are located and shall include, but not be limited to, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which four or more family groups commonly and normally reside or could reside. In the application of stormwater service charge rates, multiple dwelling unit properties shall be treated as other developed lands. However, multiple dwelling unit residential properties where individual residential dwelling units are owned independently, such as residential

condominiums, may be treated as detached dwelling unit properties in the application of stormwater service charge rates.

- (j) *“Other developed land”* shall mean, but shall not be limited to, multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, churches, temples, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.
 - (k) *“Stormwater”* shall mean stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration (other than infiltration contaminated by seepage from sanitary sewers or by other discharges) and drainage.
 - (l) *“Stormwater user fee”* shall mean the stormwater management service charge or charges applicable to a parcel of developed land, which charge shall be reflective of the City of Belle Meade’s cost of providing stormwater management services and facilities.
 - (m) *“Stormwater management facilities”* shall mean those natural and man-made drainage structures, conveyances, conduits, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
- (3) Determination and modification of stormwater user fee. Stormwater user fees may be determined and modified from time to time by the Commissioners of the City of Belle Meade so that the total revenue generated by said fees and any other sources of revenue that may be made available to the stormwater utility will be sufficient to meet the cost of services and facilities, including, but not limited to, the payment of principal and interest on debt incurred for stormwater management purposes, the creation of reserves for the replacement of permanent improvements for stormwater management, and such other expenses reasonably necessary or convenient in the acquisition, construction, operation, maintenance, education, and regulation of the stormwater system and of properties affecting the stormwater system. These fees shall be reasonable in amount and used exclusively by the municipality for purposes set forth in this part. Such a graduated stormwater user’s fee shall be based on actual or estimated use of the stormwater and/or flood control facilities of the municipality, and each user or user class shall only be required to pay its proportionate share of the construction, administration, operation and maintenance, including replacement costs, of such facilities based on the user’s actual or estimated proportionate contribution to the total stormwater runoff from all users or user classes. To ensure a proportionate distribution of all costs to each user or user class, the user’s contribution shall be based on the amount of impervious area utilized by the user. Stormwater service charges may also include special charges to individual customers for services or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects and on-site stormwater control measures, and enhanced levels of stormwater services above those normally provided by the city.
- (4) Effective date of stormwater user fee. Stormwater user fees shall accrue beginning January 1, 2011 and shall be billed periodically thereafter to customers except as specific exemptions and adjustments may apply.
- (5) Stormwater user fee. There shall be imposed on each and every property in the City, except exempt property, a stormwater user fee. The owner of each non-exempt property shall be obligated to pay stormwater user fees. In order to supplement the cost of providing stormwater services and facilities while fairly and reasonably apportioning the cost among developed properties throughout the city, the following stormwater rates shall apply.

- (a) Detached dwelling units. Detached dwelling units shall be charged according to the table below based upon the ERU as specified below in §12-302(5)(e) or as specified in or as amended by ordinance in the future.

Total area of parcel (square feet)	Factor x ERU
0-40,000	0.5 x ERU
40,001-70,000	1.0 x ERU
> 70,000	2.0 x ERU

- (b) Churches and schools, historic homes or sites, country clubs and other commercial properties. Churches and schools, historic homes or sites, country clubs and other commercial properties shall be charged according to the table below based upon the ERU as specified below in subsection (5)(e) or as specified in or as amended by ordinance in the future.

Total area of parcel (square feet)	Factor x ERU
Churches and schools	F x ERU
Historic home or site	F x ERU
Country Clubs	F x ERU
Commercial properties	F x ERU

- (c) Other developed lands. Other developed lands are subject to special regulation under the appendices of the zoning code.
- (d) For the purpose of calculating the stormwater fee for churches and schools, a historic home or site, country clubs or commercial properties, the factor “F” shall be calculated as the total square footage of impermeable surfaces on the parcel divided by twelve thousand two hundred (12,200) square feet.
- (e) The stormwater user fee rate per equivalent residential unit (ERU), as defined in this chapter, shall be (\$22.41) per month until and unless the user fee rate is changed by the commissioners of the City of Belle Meade.
- (f) The stormwater fee for independently owned multiple dwelling unit residential properties (hereinafter “condominiums”) shall be based upon the fee for detached dwelling units, using the lower tier factor in the Table in §12-305(5)(a), and shall be assessed on a per unit basis at \$11.20 per month.

Total Lot Area of Parcel (sq. ft.)	Factor x ERU Monthly Rate	Monthly Fee	Annual Fee
0-40,000	0.5 x \$22.41	\$11.20	\$134.41
40,000 – 70,000	1.0 x \$22.41	\$22.41	\$268.92
>70,000	2.0 x \$22.41	\$44.82	\$537.84

- (6) Exemptions and credits applicable to stormwater user fee. Except as provided in this section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exemption, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility’s cost of providing stormwater services and facilities.
- (a) The following exemptions from stormwater service charges shall be allowed:

- (i) Undeveloped land as defined by this chapter shall be exempt from stormwater charges.
 - (ii) Railroad tracks shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land uses for railroad purposes shall not be exempt from stormwater charges.
 - (iii) Improved public road rights-of-way of federal, state, or local governments that are available for vehicular transportation by the general public are exempt from stormwater service charges. Platted private roads and platted private rights-of-way are further exempt from stormwater charges.
 - (b) Stormwater user fee credits shall be allowed for the following activities/occurrences and shall be effective when initiated at the discretion of the City of Belle Meade and in accordance with a credit manual described subsequently:
 - (i) Other developed lands that have, and maintain in proper working order, on-site stormwater detention and retention systems that reduce the peak rate of stormwater discharge.
 - (ii) Other developed lands that have, and maintain in proper working order, on-site stormwater best management practices that reduce the impact of stormwater runoff or water quality in accordance with water quality standards set forth by the City of Belle Meade.
 - (c) A stormwater user fee credit manual shall be prepared by the City of Belle Meade specifying the design and performance standards of on-site systems, facilities, activities, and services which qualify for application of a service charge credit, and how such credits shall be calculated.
 - (d) The stormwater user fee credit shall be determined based on the technical requirements and standards contained in the stormwater service charge credit manual. The stormwater service charge credit may be up to fifty percent (50%) of the service charge applicable to a property, and shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.
 - (e) Groups of detached dwelling units represented by a homeowners' association providing on-site systems or facilities that reduce or mitigate the stormwater utility's cost of providing stormwater management services and facilities may receive a stormwater service charge credit.
 - (f) Any credit allowed against the stormwater service charge is conditioned on continuing compliance with the city's design and performance standards as stated in the stormwater service charge credit manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the city at any time for noncompliance. Thirty (30) days notice of a non-complying condition and intent to revoke a stormwater service charge credit shall be provided to the stormwater service charge customer receiving a credit before the credit is revoked thereby allowing the customer the opportunity to attain compliance.
- (7) Stormwater user fee billing, delinquencies, and collections.
- (a) A stormwater user fee bill may be sent through the United States mail or by alternative means, notifying all customers of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the status of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay the stormwater service fee.

- (b) If a customer is under-billed or if no bill is sent for developed land, the city may backbill for a period of up to ten years, but shall not assess penalties for any delinquency.
 - (c) The stormwater user fee shall be paid by the due date on the bill and shall become delinquent as of sixty (60) days following the billing. Any unpaid stormwater user's fee shall bear penalties if it remains unpaid after sixty (60) days following billing.
 - (d) A late charge will be based upon the unpaid balance with interest thereon at the maximum legal rate, published annually in the Tennessee Administrative Register. Interest shall be applied for each 30-day period or fraction thereof from the date of delinquency until paid. The city shall be entitled to recover attorney's fees incurred in collecting delinquent stormwater user fees. Any charge due under this section which shall not be paid may be recovered at law by the municipality.
 - (e) Mandatory state. To the extent that state law, T.C.A. § 68-221-1112, requires it, each bill that shall contain stormwater user fees shall also contain the following statement in bold font: **"THIS FEE HAS BEEN MANDATED BY CONGRESS"**. The stormwater user fee is not a tax but a utility service charge.
- (8) Application of stormwater user fee billed in common. The City of Belle Meade shall bill the stormwater user fee when the annual property tax is billed.
- (9) Removal or cessation of utility services. The City of Belle Meade may remove or cease to provide any utility services as it determines necessary to enforce the payment of all city utility service charges.
- (10) Appeals. Any stormwater utility service customer who believes the provisions of this article have been applied in error may appeal in the following manner:
- (a) An appeal must be filed in writing with the City of Belle Meade City Manager. In the case of service charge appeals, the appeal shall include a survey prepared by a Tennessee registered land surveyor, professional engineer, or landscape architect containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
 - (b) Using the information provided by the appellant, the City Manager and appropriate staff will conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
 - (c) In response to an appeal, the City Manager may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of the article.
 - (d) A decision of the city manager which is adverse to an appellant may be further appealed to the board of commissioners with thirty (30) days of the adverse decision. Notice of the appeal shall be delivered to the board of commissioners by the appellant, stating the grounds for the further appeal. The board of commissioners shall issue a decision on the appeal within thirty (30) days. All decisions of the board of commissioners shall be served on the customer personally or by registered or certified mail. Service shall be based upon the service charge billing address of the customer.
 - (e) The appeal process contained in this section shall not prevent an appellant from seeking relief in the approved manner and form from a court of competent jurisdiction.
- (11) City of Belle Meade, Tennessee Stormwater User Fee Credit Manual for Stormwater Fees. The City of Belle Meade, Tennessee Stormwater Utility Credit Manual for Stormwater Fees will be prepared and attached hereto as Exhibit A once it is completed.

ATTACHMENT B to ORDINANCE 2015-8
(City of Belle Meade Municipal Floodplain Zoning Ordinance, Title 12, Chapter 4)

CHAPTER 4

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

12-401. City of Belle Meade Municipal Floodplain Zoning Ordinance. The City of Belle Meade Municipal Floodplain Zoning Ordinance, Ord. #2003-5 as amended by Ord #2004-7, has been added to this Municipal Code as Chapter 4 pursuant to Ordinance 2015-8.

12-402. Municipal Floodplain Zoning Ordinance. In order to minimize danger to life and property due to flooding within the City of Belle Meade, and to maintain eligibility for participation in the National Flood Insurance program (NFIP), the “Municipal Floodplain Zoning Ordinance,” is hereby adopted.

12-403. Statutory authorization, findings of fact, purpose and objectives.

- (1) Statutory Authorization. The Legislature of the State of Tennessee has, in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore the City of Belle Meade, Tennessee, mayor and City Commission, do ordain as follows:
 - (a) The City of Belle Meade, Tennessee, Mayor and its City Commission, wishes to meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
 - (b) Areas of the City of Belle Meade, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - (c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
- (3) Statement of Purpose. It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:
 - (a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities.
 - (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction.
 - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
 - (d) Control filling, grading, dredging and other development which may increase flood damage or erosion.
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- (4) Objectives. The objectives of this Ordinance are:

- (a) To protect human life, health, safety and property.
- (b) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- (c) To minimize prolonged business interruptions.
- (d) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas.
- (e) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas.
- (f) To ensure that potential homebuyers are notified that property is in a floodprone area.
- (g) To maintain eligibility for participation in the NFIP.

12-404. Definitions.

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

- (a) *“Accessory Structure”* shall represent a subordinate structure to the principal structure and, for the purpose of this Title 12, Chapter 4, shall conform to the following:
 - (i) Accessory structures shall not be used for human habitation.
 - (ii) Accessory structures shall be designed to have low flood damage potential.
 - (iii) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
 - (iv) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) Service facilities such as electrical and heating equipment shall be elevated or flood proofed.
 - (vi) *“Accessory Structure”* is a subset of the *“Accessory User”* and *Accessory Building* defined at 14-202(b).
- (b) *“Act”* means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.
- (c) *“Addition (to an existing building)”* means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.
- (d) *“Appeal”* means a request for a review of the Floodplain Administrator’s interpretation of any provision of this Ordinance or a request for a variance.
- (e) *“Area of Shallow Flooding”* means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- (f) *“Area of Special Flood-related Erosion Hazard”* is the land within a community, which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.
- (g) *“Area of Special Flood Hazard”* is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, AI-30, AE or A99.
- (h) *“Base Flood”* means the flood having a one percent chance of being equaled or exceeded in any given year.
- (i) *“Basement”* means that portion of a building having its floor subgrade (below ground level) on all sides.
- (j) *“Breakaway Wall”* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- (k) *“Building”*, for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See “Structure”.)
- (l) *“Development”* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (m) *“Elevated Building”* means a non-basement building
 - (i) Built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers),
 - (ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
- (n) *“Emergency Flood Insurance Program”* or *“Emergency Program”* means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.
- (o) *“Erosion”* means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.
- (p) *“Exception”* means a waiver from the provisions of this Ordinance, which relieves the applicant from the requirements of a rule, regulation, order or other determination, made or issued pursuant to this Ordinance.
- (q) *“Existing Construction”* means any structure for which the “start of construction” commenced before the effective date of this Ordinance.
- (r) *“Existing Manufactured Home Park or Subdivision”* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or

the pouring of concrete pads) is completed before the effective date of this ordinance.

- (s) *“Existing Structures”* – See *“Existing Construction”*.
- (t) *“Expansion to an Existing Manufactured Home Park or Subdivision”* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (u) *“Flood”* or *“Flooding”* means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (i) The overflow of inland or tidal waters; or
 - (ii) The unusual and rapid accumulation or runoff of surface waters from any source.
- (v) *“Flood Elevation Determination”* means a determination by the Floodplain Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- (w) *“Flood Elevation Study”* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- (x) *“Flood Hazard Boundary Map (FHBM)”* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.
- (y) *“Flood Insurance Rate Map (FIRM)”* means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- (z) *“Flood Insurance Study”* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.
- (aa) *“Floodplain”* or *“Flood-prone Area”* means any land area susceptible to being inundated by water from any source (see definition of *“flooding”*).
- (bb) *“Floodplain Management”* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
- (cc) *“Flood Protection System”* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (dd) *“Flood Proofing”* means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (ee) *“Flood-related Erosion”* means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves

or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

- (ff) *“Flood-related Erosion Area”* or *“Flood-related Erosion Prone Area”* means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high-water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- (gg) *“Flood-related Erosion Area Management”* means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and flood plain management regulations.
- (hh) *“Floodway”* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (ii) *“Floor”* means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
- (jj) *“Freeboard”* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *“Floorboard”* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.
- (kk) *“Functionally Dependent Use”* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (ll) *“Highest Adjacent Grade”* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
- (mm) *“Historic Structure”* means any structure that is:
 - (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior, or

- 2) Directly by the Secretary of the Interior in states without approved programs.
- (nn) “*Levee*” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
- (oo) “*Levee System*” means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (pp) “*Lowest Floor*” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- (qq) “*Manufactured Home*” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.
- (rr) “*Manufactured Home Park or Subdivision*” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (ss) “*Map*” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.
- (tt) “*Mean Sea Level*” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.
- (uu) “*National Geodetic Vertical Datum (NGVD)*” as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- (vv) “*New Construction*” means any structure for which the “start of construction” commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.
- (ww) “*New Manufactured Home Park or Subdivision*” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.
- (xx) “*100-year Flood*” – See “Base Flood”.
- (yy) “*Person*” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
- (zz) “*Reasonably Safe from Flooding*” means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.
- (aaa) “*Recreational Vehicle*” means a vehicle, which is:

- (i) built on a single chassis;
 - (ii) 400 square feet or less when measured at the largest horizontal projections;
 - (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (bbb) “*Regulatory Floodway*” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (ccc) “*Riverine*” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (ddd) “*Special Hazard Area*” means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AC, AL-30, AE, A99, or AH.
- (eee) “*Start of Construction*” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (fff) “*State Coordinating Agency*” (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Floodplain Administrator to assist in the implementation of the National Flood Insurance Program in that state.
- (ggg) “*Structure*”, for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
- (hhh) “*Substantial Damage*” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- (iii) “*Substantial Improvement*” means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have

been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

- (ii) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.
- (jjj) “*Substantially Improved Existing Manufactured Home Parks or Subdivisions*” are where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
- (kkk) “*Variance*” is a grant of relief from the requirements of this Ordinance, which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.
- (lll) “*Violation*” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.
- (mmm) “*Water Surface Elevation*” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

12-405. General Provisions.

- (1) Application. This Ordinance shall apply to all areas within the incorporated area of the City of Belle Meade, Tennessee.
- (2) Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified on the City of Belle Meade, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated April 5, 2017 and Flood Insurance Rate Map (FIRM), Community 470408, Panel Numbers 47037C0351H, 47037C0352H and 47037C0353H dated April 5, 2017, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.
- (3) Requirement for Development Permit. A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activity.
- (4) Compliance. No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
- (5) Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions or other applicable provisions of the Code of the City of Belle Meade. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.
- (6) Interpretation. In the interpretation and application of this Ordinance, all provisions shall be:
 - (a) considered as minimum requirements;
 - (b) liberally construed in favor of the governing body; and
 - (c) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.
- (7) Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and

engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.

- (a) This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages.
 - (b) This Ordinance shall not create liability on the part of the City of Belle Meade, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made hereunder.
- (8) **Penalties for Violation.** Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Belle Meade, Tennessee from taking such other lawful actions to prevent or remedy any violation.

12-406. Administration.

- (1) **Designation of Ordinance Administrator.** The Planning Director is hereby appointed as the Floodplain Administrator to implement the provisions of this Ordinance.
- (2) **Permit Procedures.** Application for a development permit shall be made to the Floodplain Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to, the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:
 - (a) Application stage.
 - (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - (ii) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
 - (iii) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the floodproofing criteria in §12-407(1) and §12-407(2).
 - (iv) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - (v) In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:

- 1) An itemized cost of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators;
 - 2) Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services;
 - 3) A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
 - 4) A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing, and electrical suppliers, etc.). In addition, the estimate must include the value of labor, including the value of the owner's labor.
- (b) Construction Stage.
- (i) Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by, or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Floodplain Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
 - (ii) Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Floodplain Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.
 - (iii) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.
 - (iv) Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- (c) Finished Construction Stage.
- (i) A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.
- (3) Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator shall include, but not be limited to, the following:

- (a) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- (c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- (d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (f) Record the elevation, in relation to mean sea level or highest adjacent grade, where applicable, of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with §12-406(2).
- (g) Record the actual elevation, in relation to mean sea level or highest adjacent grade, where applicable, to which the new or substantially improved buildings have been floodproofed, in accordance with §12-406(2).
- (h) When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with §12-406(2).
- (i) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
- (j) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Belle Meade, Tennessee FIRM meet the requirements of this Ordinance.
- (k) Maintain all records pertaining to the provisions of this Ordinance in the office of the Floodplain Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
- (l) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from

the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A of the form. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

12-407. Provisions for Flood Hazard Reduction.

- (1) General Standards. In all areas of special flood hazard, the following provisions are required:
 - (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Manufactured homes shall installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
 - (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (e) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance.
 - (j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this Ordinance shall be undertaken only if said nonconformity is not further extended or replaced.
 - (k) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.
 - (l) All subdivision proposals and other proposed new development proposals shall meet the standards of §12-407(2).
 - (m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

- (n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.
- (2) Specific Standards. In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in §12-407(1), are required:
 - (a) Residential Structures. In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than four (2') feet above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".
 - (b) Non-Residential Structures. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than one (1') foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".
 - (c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - (i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - 2) The bottom of all openings shall be no higher than one (1') foot above the finished grade.
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - (iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of §12-407(2).
 - (d) Standards for Manufactured Homes and Recreational Vehicles.
 - (i) The City of Belle Meade regulates elsewhere in this code certain improvements to real property including the prohibition of manufactured homes and the parking of recreational vehicles. Without modification of, and consistent with, the other provisions of this code, the City hereby adopts the following additional provisions:
 - (ii) All manufactured homes placed, or substantially improved, on:

- 1) individual lots or parcels,
- 2) in expansions to existing manufactured home parks or subdivisions, or
- 3) in new or substantially improved manufactured home parks or subdivisions,

must meet all the requirements of new construction.

- (iii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that: In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than four (4') feet above the level of the Base Flood Elevation.
- (iv) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of §12-407(1) and §12-407(2).
- (v) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (vi) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days, unless a shorter period of time is proscribed elsewhere in this Code;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - 3) The recreational vehicle must meet all the requirements for new construction.
- (e) Standards for Subdivisions and Other Proposed New Development Proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonable safe from flooding.
 - (i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
 - (ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
 - (iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (3) Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated.

Located within the Special Flood Hazard Areas established in §12-405(2), are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Belle Meade, Tennessee and certification thereof.
 - (b) The city may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway revisions, fulfills the requirements for such revisions as established under the provisions of CFR §65.12, and received the approval of FEMA.
 - (c) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of 12-407(1) and 12-407(2).
 - (d) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation of the 2-year storm event shall not be included in the compensating storage calculations. Every effort shall be made to preserve natural flow lines.
- (4) Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated. Located within the Special Flood Hazard Areas established in 12-405(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:
- (a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when the water surface elevation of the base flood more than one-tenth (0.1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
 - (b) A community may permit encroachments within Zones AE on the community's FIRM, that would result in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of CFR §65.12, and receives the approval of FEMA.
 - (c) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of §12-406(1) and §12-406(2).
 - (d) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation of the 2-year storm event shall not be included in the compensating storage capacity calculation. Every effort shall be made to preserve natural flow lines.

- (5) Standard for Unmapped Streams. Located within the City of Belle Meade, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:
- (a) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-tenth (0.1) foot at any point within the Belle Meade.
 - (b) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §12-406 and §12-407.
 - (c) All floodplain alterations that result in the filling or elimination of floodplain storage shall provide compensating storage capacity by excavating out at least an equal amount (1:1) of volume as occupied by fill. All excavated or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite. Excavated or cut volumes below the lower of the top of bank or elevation of the 2-year storm event shall not be included in the compensating storage capacity calculation. Every effort shall be made to preserve natural flow lines.

12-408. Variance procedures.

- (1) Municipal Board of Building Code Appeals.
- (a) Authority.
The City of Belle Meade, Board of Building Code Appeals, shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
 - (b) Procedure.
Meetings of the Board of Building Code Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Building Code Appeals shall be open to the public. The Board of Building Code Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Building Code Appeals, if any, shall be set by the Commissioners.
 - (c) Appeals: How Taken.
An appeal to the Board of Building Code Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Floodplain Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Building Code Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of \$100.00 (one-hundred dollars) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Floodplain Administrator shall transmit to the Board of Building Code Appeals all papers constituting the record upon which the appeal action was taken. The Board of Building Code Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest, and decide the same within a reasonable time which shall not be more than fourteen (14) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.
 - (d) Powers.

The Board of Building Code Appeals shall have the following powers:

- (i) Administrative Review. To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Floodplain Administrator or other administrative official in the carrying out or enforcement of any provisions of this Ordinance.
- (ii) Variance Procedures. In the case of a request for a variance, the following shall apply:
 - 1) The City of Belle Meade, Board of Building Code Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
 - 2) Variances may be issued for the repair or rehabilitation of historic structures as defined herein upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
 - 3) In passing upon such applications, the Board of Building Code Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - 4) Upon consideration of the factors listed above, and the purposes of this Title and Chapter, the Board of Building Code Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.

- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (iii) Imposition of Penalties: The City declares that any person violating the provisions of this ordinance may be assessed a civil penalty by the City of Belle Meade of not more than fifty dollars (\$50.00). Each day of violation shall constitute a separate violation.
 - 1) Measuring civil penalties. In assessing a civil penalty, the Board of Building Code Appeals may consider:
 - a) The harm done to the public health or the environment;
 - b) The duration and gravity of the violation(s);
 - c) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - d) The economic benefit gained by the violator;
 - e) The amount of effort put forth by the violator to remedy this violation;
 - f) Whether the violation(s) was committed intentionally;
 - g) The prior record of the violator in complying or failing to comply with the floodwater management program;
 - h) Any unusual or extraordinary enforcement costs incurred by the city;
 - i) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - j) Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.
 - (iv) Recovery of damages and costs. In addition to the civil penalty in subsection (1) above, the Board of Building Code Appeals may recover:
 - 1) All damages proximately caused by the violator to the city, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
 - 2) The costs of the city's maintenance of floodwater facilities when the user of such facilities fails to maintain them as required by this ordinance.
- (2) Conditions for Variances.
 - (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in §12-408(1).
 - (b) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; or (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
 - (c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will

result in increased premium rates from flood insurance, and that such construction below the base flood level increases risks to life and property.

- (d) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

12-409. Legal Status Provisions.

- (1) Conflict with Other Ordinances. In case of conflict between this Title and Chapter or any part thereof, and the whole or part of any existing or future Ordinance of the City of Belle Meade, Tennessee, the most restrictive shall in all cases apply.
- (2) Severability. If any section, clause, provision, or portion of this Title and Chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Title and Chapter which is not of itself invalid or unconstitutional.
- (3) Effective Date. This Ordinance shall become effective immediately after its passage on second reading in accordance with the Charter of the City of Belle Meade, Tennessee, and the public welfare demanding it.



CITY OF BELLE MEADE
LAND DISTURBANCE PERMIT APPLICATION

PERMIT # _____

Application Date:		Permit Fee:	
Applicant:			
Name:			
Address:			
Phone:			
E-mail:			
Property Owner: (If different from applicant)			
Name:			
Address:			
Phone:			
E-mail:			
Property:			
Address:			
Map & Parcel Number:			
EPSC Plan Preparer:			
Name:			
Address:			
Phone:			
E-mail:			
TDEC Level 2 Cert. #:		Expiration Date:	
Stormwater Management Plan Preparer: (If different from EPSC Plan Preparer)			
Name:			
Address:			
Phone:			
E-mail:			



CITY OF BELLE MEADE
LAND DISTURBANCE PERMIT APPLICATION

Contractor and Subcontractors: (Performing land disturbing activity)			
Name:			
Address:			
Phone:			
E-mail:			
Contractor License #		Expiration Date:	
Workers Comp. #		Expiration Date:	
Name:			
Address:			
Phone:			
E-mail:			
Project Information:			
Type of project: (Residential or Commercial)		Type of project: (New or Addition)	
Total area of subject property:		Area to be disturbed:	
Note: If disturbed area = 1 acre or more, include a copy of the TN Construction General Permit Notice of Intent (NOI) submitted to TDEC and the Storm Water Pollution Prevention Plan (SWPPP).			
State, federal, or other appropriate permits required?	☐ YES ☐ NO	Is a sinkhole present?	☐ YES ☐ NO
Note: If so, attach a copy of the permits or applications for the permits.		Note: If so, provide a copy of any sinkhole permits received from TDEC.	
Are streams located within the property boundaries?		☐ YES ☐ NO	
Note: If so, locate streams on all plans and provide buffers as required by the stormwater ordinance.			

Submit plans and supporting documentation with this form. Plans must be accompanied by the following completed checklist.

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Construction and Permanent Stormwater Management - Inspections and Maintenance

From Section 12-203(9) of the City's Stormwater Ordinance

- (a) Right of Entry.
 - i. The City may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system, stream(s), community water(s) or via any other private or public stormwater management facility and/or SCM during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this ordinance.
 - ii. Where a property, site, or facility has security measures in place that require proper identification and clearance before entry into its premises, the person shall make necessary arrangement with its security personnel so that, upon presentation of suitable identification, the City of Belle Meade will be permitted to enter without delay for the purposes of performing specific responsibilities as it relates to the provisions of this ordinance.
- (b) LDP EPSC inspections. The LDP permittee shall perform routine inspections as follows:
 - i. Inspections shall be performed in conformance with the inspection requirements of the TDEC CGP. This requirement applies for all projects that require an LDP.
 - ii. Inspections shall be documented and the permittee shall maintain records of the documented inspections on site (or other location accessible to the City).
 - iii. All erosion prevention and sediment control (EPSC) measures shall be inspected to verify and document the functionality and performance of the measures as designed per the city-approved plans.
- (c) All EPSC measures shall be maintained by the LDP permittee to ensure that they are functioning as designed. Failure to maintain measures constitutes a violation of this ordinance.

From Section 12-206(2) and (3) of the City's Stormwater Ordinance

- (2) SCM Inspection Requirements.
 - (a) Routine inspection of all SCMs and/or stormwater management facilities shall be performed by the property owner or other qualified professional on a minimum annual basis or as specified in the LTMP. These inspections shall be conducted by one of the following a registered professional engineer, registered landscape architect, or other qualified professional familiar with applicable SCM design and maintenance requirements.
 - (b) Comprehensive inspections of all SCMs and/or stormwater management facilities shall be performed once every five years by a registered professional engineer or registered landscape architect. Complete inspection reports for these five-year inspections shall include a minimum of the following:
 - (i) Location map of SCM(s) within project site;
 - (ii) A brief description of the type of SCM(s) and basic design characteristics;
 - (iii) Description of current SCM(s) conditions;
 - (iv) The property owner contact information
 - (v) Inspection date;

- (vi) Specific maintenance items or violations that need to be corrected by the SCM owner along with timeline for maintenance;
 - (vii) Maintenance records, if any; and
 - (viii) Current photo of SCM(s).
- (c) Inspections, whether routine or comprehensive, shall be submitted annually to the City by July 1.
- (3) SCM and stormwater management facilities inspections. SCMs and/or stormwater management facilities shall be inspected by the LDP permittee on a regular basis during construction and by the property owner after construction has been completed to ensure that they are functioning as designed.
 - (a) Inspections shall be documented per §12-206(2) of this ordinance and provided to the City when requested.
 - (b) In addition to those sanctions provided herein, the maintenance of a SCM and/or stormwater management facility is subject to Property Maintenance Regulations, Title 13, Code of the City of Belle Meade.

I certify that the information provided on this application is true and complete to the best of my knowledge. All provisions of law and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local laws. Construction shall be strictly according to the plans filed with the application for permit. Construction in any way at variance with the plans will be treated as justification for a stop work order, and/or order for removal, and may not be commenced without the approval from the City of Belle Meade.

I have read the above, and agree to abide by the terms thereof.

Name: _____ Signature: _____
(Owner/Agent)

Comments: _____

Permanent Stormwater Management – As-Built (Record) Drawings

From Section 12-206(1) of the City's Stormwater Ordinance

- (a) As-Built (Record) Drawings. All LDP permittees are required to submit as-built drawings for any SCMs and/or stormwater management facilities located on-site within 90 days after final construction of the SCMs has been completed. The drawing(s) must show the final design specifications for all stormwater management facilities and/or SCMs and must be sealed by a registered professional engineer licensed to practice in Tennessee. The drawing(s) shall include at the minimum the following:
 - (i) Location map of SCM(s) within project site;
 - (ii) An engineer's certification letter certifying that the as-built conditions conform to the approved design plans and specifications;
 - (iii) Description of any variations from the approved design plans and specifications, if any;
 - (iv) A brief description of the type of SCM(s) and basic design characteristics;
 - (v) As-built design parameters including but not limited to invert elevations, outlet structure elevations, subbase layer depths, etc.;
 - (vi) The property owner contact information;
 - (vii) Inspection schedule(s);
 - (viii) A brief description of or reference to maintenance procedures and frequency; and
 - (ix) Photographs of the installed SCM(s).
- (b) A final inspection by the City of Belle Meade is required before occupation permits will be granted. Occupation permits shall not be granted until corrections to all SCMs have been made and accepted by the City of Belle Meade.

I have read the above which is from Section 12-206 of the City of Belle Meade Stormwater Ordinance, Title 12, Chapter 2 and agree to abide by the terms thereof.

Name: _____
(Engineer of Record)

Signature: _____

Name: _____
(Contractor)

Signature: _____

I agree not to move in before the Use & Occupancy Permit is issued.

Name: _____
(Owner)

Signature: _____

Comments: _____



CITY OF BELLE MEADE
LAND DISTURBANCE PERMIT CHECKLIST

Applicant's Name:	
Application Date:	

#	The following information must be provided for all projects requiring a land disturbance permit:	Location of Requested Information	N/A
1	Topographic Map of subject property with contour intervals of at least one (1) foot set to scale of 1" = 50' (or other more appropriate scale as approved by the City of Belle Meade) including sufficient surrounding topography and structures to ascertain adjacent off-site drainage patterns. Map must extend a minimum of one hundred feet (100') beyond the limits of the proposed development and show the limits of clearing and grading.		
2	Existing contours and conditions (i.e. existing topography and showing the outline of existing structures and pavement indicating any pavement or structures to be removed).		
3	Property line data including a benchmark via a boundary survey, plat, and/or property description.		
4	Locations of existing drainage ways such as ditches, pipes, streams, intermittent streams, ponds, culverts, sinkholes, wetlands, and wet weather conveyances, showing buffers if applicable, within and adjacent to the property. Size, material, invert elevations, etc. must be provided for all existing pipes and culverts.		
5	Locations of existing utilities, including but not limited to, utility poles, gas lines, water lines, sewer lines and manholes, fire hydrants, water valves and meters, gas valves, transformers, overhead electric and communication lines, underground electric and communication lines, etc.		
6	Locations of utility, roadway, and drainage easements within the property.		
7	FEMA designated floodways and floodplains, showing elevations including references to the FEMA FIRM and FIS.		
8	Proposed contours and conditions (i.e. proposed topography tying into existing topography and showing the outline of proposed structures and pavement and details of how the proposed driveway ties to the existing street).		
9	Breakdown of existing and proposed impervious surfaces in table format.		
10	Proposed stormwater drainage network, including size, material, invert elevations, RIM elevations, etc.		
11	Retaining walls that retain in excess of 4' of fill require separate plans stamped by a structural engineer.		
12	Approximate limits of proposed land disturbing activity (i.e. a boundary line encompassing the location(s) of the proposed land disturbance activity). Examples of land disturbing activities include: areas of soil cut or fill, stockpile areas, demolition areas, material and equipment storage areas, access paths to construction activity, contractor parking areas, EPSC installation areas, etc.		
13	Proposed erosion prevention & sediment control measures including calculations and details for installation (TDEC Sediment and Erosion Control Manual should be used as a reference for design).		
14	Proposed construction sequence. Including a description of when EPSC measures are to be implemented in relation to construction milestones and how SCM(s) and stormwater management facilities will be protected during construction.		

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CITY OF BELLE MEADE
LAND DISTURBANCE PERMIT CHECKLIST

#	The following information must be provided for all projects requiring a land disturbance permit:	Location of Requested Information	N/A
15	Seeding specifications, including temporary and permanent seed, soil amendments, mulch, seeding schedule and or sod specifications and planting schedule.		
16	Construction Exit or description of how sediment tracking onto public roads will be prevented.		
17	Note requiring temporary stabilization of disturbed soils in compliance with Section 5.5.3.4. of the Tennessee General NPDES Permit for Discharges of Stormwater Associated with Construction Activities.		
18	All EPSC measures shall be designed to minimize erosion, maximize sediment removal, and control stormwater runoff generated by a 2-yr, 24-hr design storm event or the 5-yr, 24-hr design storm event if draining to waters with unavailable parameters for siltation/sedimentation or Exceptional Tennessee Waters (ETWs).		
19	Label site outfalls. Note the acreage to each outfall during each stage of construction.		
20	Provide any required sediment basins or traps based on CGP requirements.		
21	Locate stockpile areas and specify EPSC measures around stockpile locations.		
22	Locate construction parking areas and provide adequate EPSC measures.		
23	Provide perimeter EPSC measures. Sediment should be controlled as close to the disturbance as possible to prevent sediment traveling across the site.		
24	Provide waste material handling (pollution prevention measures, such as concrete washout areas and debris and trash management practices) consistent with CGP requirements.		
25	Location and size of required water quality buffer(s) per section 12-205 of the stormwater ordinance.		
26	Existing conditions watershed map showing drainage areas to each site outfall (including off-site run-on).		
27	Proposed conditions watershed map showing drainage areas to each permanent Stormwater Control Measure (SCM) and any bypass drainage areas that will flow to the site outfalls (including off-site run-on).		
28	Pre- and post-developed hydrologic and hydraulic stormwater runoff calculations must be provided which compare pre-development runoff rates to post-development runoff rates for the 2-yr through 100-yr, 24-hr design storm events. Care shall be taken to mimic pre-development flow conditions at stormwater outfalls (i.e. sheet flow, concentrated flow) and mitigate erosive flows.*		
29	Locations of proposed drainage network and supporting hydrologic/hydraulic calculations (including inlet capacity calculations). **		
30	Where an increase in the post-developed runoff rate is realized, mitigating the increased flow through a stormwater quantity measure or a series of measures is required. Mitigation of increased flows can consist of onsite detention, longer onsite flow lengths, and/or infiltration. Alternatively, a detailed downstream analysis can be performed. ***		



CITY OF BELLE MEADE
LAND DISTURBANCE PERMIT CHECKLIST

#	The following information must be provided for all projects requiring a land disturbance permit:	Location of Requested Information	N/A
31	Where SCMs or stormwater management facilities are employed that rely on infiltration as a primary discharge mechanism, field verification of infiltration rates per Appendix A of the Tennessee Permanent Stormwater Management and Design Guidance Manual is required.		
32	Land disturbances between 10,000 ft ² – 0.99 acre or include construction of a pool shall incorporate, at a minimum, one non-structural water quality improvement measure such as disconnected roof drains, sheet flow of impervious surface runoff, or vegetated filter strips. Information on the plans shall be provided detailing the non-structural water quality improvement including necessary notes to the contractor.		
33	A Long-Term Maintenance Plan for all SCM(s) and/or stormwater management facilities to ensure their continued performance. These plans must identify the parts or components of the SCM(s) and/or stormwater management facilities that need to be maintained and the equipment and skills or training necessary to complete the maintenance. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection.		

Notes:

*The USDA-NRCS TR-55 methodology shall be used for developing runoff volumes that are routed through a proposed or existing stormwater management measure. Other methodologies such as the rational method can be used when peak flow is the only parameter being calculated.

** The design of minor stormwater management systems, defined as ditches, inlet drains, pipes, etc., which collect the initial stormwater runoff shall be based on the 10-year design storm frequency. The design of the major stormwater management system, defined as large storm sewers, major culverts, bridges, etc., which collect flow from the minor system shall be based on the 100-year design storm frequency.

*** The downstream analysis must be conducted on all components of the receiving system to the point at which the total subject site represents 10% or less of the encompassing watershed. The analysis shall be performed for the 2- through 100-year design storm events. (The City may request analysis of a shorter duration storm event as well). The analysis shall evaluate the effects of the post-developed flow increase on downstream receiving properties and structures including but not limited to roadside swales, culverts, curb and area drains, etc. The analysis shall demonstrate no adverse impacts upon the downstream receiving properties and structures including adequate hydraulic capacity of the structures.



CITY OF BELLE MEADE
LAND DISTURBANCE PERMIT CHECKLIST

#	The following information must be provided for land disturbance of one (1) acre and greater or part of a common plan of development or sale:	Location of Requested Information	N/A
34	For sites larger than one (1) acre, coverage under the Construction General Permit (CGP) is required. Notice of Coverage from TDEC shall be provided with submittal.		
35	Location and size of required water quality buffer(s) per section 12-205 of the stormwater ordinance.		
36	Water Quality Treatment Volume (WQTV) Calculations. Provide calculations determining the WQTV for all proposed impervious surfaces within the limits of disturbance, routing of the impervious areas to the SCM(s) to determine if the WQTV is contained within the SCM, sizing calculations for the SCM(s) including appropriate literature, depth to bedrock (from invert of SCM) and infiltration testing may be required based on the SCM proposed, etc.		
37	WQTV Map. Provide a map delineating the proposed impervious surfaces being routed to SCM(s). Including the following information: curve number, time of concentration, and acreage.		

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TITLE 14
ZONING AND LAND USE CONTROL

CHAPTER

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING CODE.

CHAPTER 1
MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Creation, membership, terms, vacancies, quorum, etc.
- 14-102. Chair, rules, staff, and finances.
- 14-103. General plan.

14-101. Creation, membership, terms, vacancies, quorum, etc.

- (1) There is created and established a municipal planning commission, the same to be known as the Municipal Planning Commission of the City of Belle Meade. The planning commission shall consist of ten members. One of the members shall be the mayor and another shall be a commissioner chosen by the board of commissioners. The other eight members shall be appointed by the mayor who shall make the appointment in writing and shall file said written appointment with the city recorder. The terms of the mayor and the commissioner elected to the planning commission shall be concurrent with the term of such commission members on the board of commissioners. The eight members initially appointed by the mayor shall serve until the end of their terms as established by prior ordinances and upon expiration of these terms, the mayor shall appoint their successors, each of whom shall serve a term of three years so that the terms of two or three members of said commission shall expire each year. Any vacancy in membership shall be filled for the unexpired term by the mayor, who shall also have authority to accept the resignation of any such appointed member. Any member of the planning commission may be removed before the expiration of their term by the mayor with the consensus of the board of commissioners.
- (2) The presence of five (5) members shall constitute a quorum. Any matter or proposal before the planning commission may be approved by a majority vote of those present. Failure to receive such approval shall constitute a rejection or denial of such matter or proposal.

14-102. Chair, rules, staff, and finances.

- (1) The planning commission shall select its chair from among the appointed members. The term of chair shall be one year with eligibility for re-election. The planning commission shall adopt rules for its transactions, findings, and determinations, which record shall be a public record.
- (2) No member of the planning commission shall receive compensation for their services.

14-103. General plan.

- (1) It shall be the function and duty of the planning commission to make and adopt an official general plan for the physical development of the city.
- (2) The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the planning commission's recommendations for the said physical development, and may include, among other things, a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises and of population density; also, the general location, character, layout, and extent of community centers and neighborhood units. The commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail.
- (3) In the preparation of the plan, the planning commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the city and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.
- (4) The commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subjects-matter of the plan. The adoption of the plan or any part, amendment, or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the planning commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the secretary of the planning commission, and a copy of the plan or part thereof shall be certified to the board of commissioners.

CHAPTER 2

ZONING CODE

SECTION

- 14-201. Title and purpose
 - (1) Title
 - (2) Purpose and Authority
- 14-202. Definition
 - (1) General statement
 - (2) Terms and definitions
- 14-203. Zoning Districts
 - (1) Zoning map
 - (2) Zoning districts
 - (3) Historic overlay districts
 - (4) Zoning boundary determination

Table 1. District Bulk and Setback Regulations
- 14-204. Uses.
 - (1) General statement.
 - (2) Permitted residential uses
 - (3) Conditional non-residential uses
 - (4) Conditional residential uses
 - (5) Prohibited uses

Table 2. Use Special Approval, Calculations, Placement, and Conditions
- 14-205. Development Standards.
 - (1) General statement.
 - (a) Number of dwellings
 - (b) Footprint and floor area ratio
 - (c) Hardscape ratio
 - (d) Swimming pool ratio
 - (e) Principal use height
 - (f) Accessory structure height
 - (g) Height exemptions
 - (h) Fences and walls
 - (i) Retaining walls
 - (j) Parking
 - (k) Change in elevation
- 14-206 Temporary signs
- 14-207 Procedure before the historic zoning commission
- 14-208 Board of zoning appeals
- 14-209 Non-conforming uses and structures
- 14-210 Site plans and other information to accompany permit applications
- 14-211 Occupancy permits
- 14-212 Amendments
- 14-213 Effective date
- 14-214 Enforcement
- 14-215 Penalty for violations

14-216 Ordinances in conflict
14-217 Validity
14-218 Statement of compliance
14-219 Appendices

14-201. Title and purpose.

- (1) Title. The ordinance codified in this title shall be known as "the Zoning Code for the City of Belle Meade," and may be cited and referred to herein as "the Zoning Code."
- (2) Purpose and authority. This Zoning Code is enacted pursuant to Title 13 of the Tennessee Code Annotated. Created by this title are zoning districts that establish appropriate land uses and associated standards of development needed to implement the land use policies contained herein. In conjunction with this title an official zoning map assigns an appropriate zoning classification to all properties to which this title is applicable. This title further establishes development standards which are designed to protect the value and integrity of neighboring properties, enhance the general character and appearance of the community, and provide for a reasonable balance between efficient utilization of land, protection of this community's environmental resources and assuring the operational integrity of streets. Also established in this title are those rules and procedures deemed necessary and appropriate to administer and enforce the provisions of this title, so as to protect the public health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Belle Meade.

14-202. Definitions.

- (1) General statement. Certain words, phrases, and terms shall be used hereinafter in this chapter, and in the administration and enforcement hereof. For such purposes, the following definitions, and rules of interpretation of certain words, phrases, and terms set out hereinafter are hereby adopted:
 - (a) The singular number includes the plural and the plural the singular.
 - (b) The word "lot" includes the words "plot" "site" and "building site".
 - (c) The word "building" includes the word "structure" whether enclosed or unenclosed, temporary, or permanent.
- (2) Terms and definitions. Words in the text of this chapter shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the definition found in the most current edition of Harris, Dictionary of Architecture and Construction, (McGraw-Hill) and/or the Merriam-Webster Dictionary shall be used.
 - (a) "Accessory use or building." An accessory use or building is a subordinate use or building customarily incident to and located on the same lot or site with, or inside, the main or principal use or building.
 - (b) "Addition." Any new construction which increases the height or floor area of an existing building or adds to it.
 - (c) "Attic." The area at the top of the dwelling with a height of 7' or less.
 - (d) "Building envelope." The area on a lot available for the construction of a dwelling, or other accessory buildings incidental to the same, enclosed by the front setback line, the rear setback line, and the two side setback lines.
 - (e) "Cabana". A cabana is generally a three-sided structure with an open side facing an outdoor space or swimming pool.
 - (f) "Communication facilities." Any facility that transmits electromagnetic waves for use by persons other than those occupying the structure on which

- the facility is located, and includes communication towers.
- (g) "Communication tower". Any structure that serves the sole purpose of supporting a communication tower and/or on which the antenna or other transmitting devices of a communication facility are visible to persons other than the property owner.
 - (h) "Conditional use." A land use that, because of its unique characteristics or potential impact on the city and surrounding neighbors may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.
 - (i) "Directly affected property owner." For the purposes of meeting notification, this includes all properties that are within two property distances to the subject property. In other words, the adjoining properties (two lots in distance) in all directions to the application property.
 - (j) "Dog kennel/dog run." A specific area enclosed by a fence or other means (other than the entire fenced back yard), such area intended for the confinement of one or more dogs.
 - (k) "Driveway/parking area." A private vehicle access route and associated parking areas between the street and a use on a lot, plot, or site.
 - (l) "Dwelling." Also referred to as a Single-Family Dwelling or Residence. A building or structure or portion thereof which is occupied or arranged for occupancy as a single home or residence which also includes sanitary and cooking facilities for one or more persons, either permanently or temporarily.
 - (m) "Floor area ratio." That ratio is defined by the numerator of "gross floor area" as divided by the square footage of the lot.
 - (n) "Footprint." All ground areas occupied or covered by a dwelling whether enclosed or not.
 - (o) "Front building line." That portion of the dwelling defined by its exterior wall, which is closest to the front lot line.
 - (p) "Front yard." A required area of open space on a lot, unobstructed by man-made buildings or structures, located between the front setback line and the front lot line.
 - (q) "Garden structures." A detached decorative structure that is used in conjunction with the use and enjoyment of outdoor areas. Examples of Garden Structures include but are not limited to potting sheds, arbors, pergolas, gazebos, outdoor fireplaces, and greenhouses less than 250 square feet in area.
 - (r) "Green space." The undeveloped portion of a lot planted with grass, trees, flowers, shrubs, or other vegetation.
 - (s) "Greenhouse". A glass or plastic enclosed building used for cultivating plants that is more than 250 square feet in area.
 - (t) "Gross floor area" The sum of square feet (area) of all floors to equal the total square footage of any dwelling as measured to the outside wall, including attached garage (whether conditioned or not), roofed porches and balconies (screened, enclosed, or open), porte cocheres, and other similar areas. A maximum 25% of the floor space of any basement that has an exterior door and/or pedestrian access/height at or above finish grade counts as gross floor area (image below). A basement that does not have an exterior door and/or

pedestrian access/height at or above finished grade does not count as gross floor area. Gross floor area does not include an attic as defined in this section.



BASEMENT AREA COUNTS AS GROSS FLOOR AREA

- (u) "Hardscape." Any improved area of any lot that is not included in the definition of "gross floor area". See Table 2 for example, conditions, and approval procedures. The definition of hardscape does not include driveways and parking areas.
- (v) "Hardscape ratio." The ratio of the square footage of hardscape to the square footage of the lot.
- (w) "Height of building." The vertical distance from the average existing undisturbed natural grade along the front building line to the highest point of the roof surface of such building.
- (x) "Home-based business." This use must be completely within the residence or completely within any accessory structure and may include, but is not limited to:
 - i) Office of a physician, dentist, musician, lawyer, accountant, architect, or other professional persons. No medical or dental practice or other scientific activity that requires laboratory, operating room, etc., shall be permitted. Only consultation and examination normally performed without special equipment found in a "treatment room" or a clinic may be carried on.
 - ii) Home sales or custom manufacture and sales of goods such as linens, clothing, household articles or decoration, silver, jewelry, paintings, or the like. Such goods and articles may not be "stocked" or warehoused in anticipation of future sales. Such sales and manufacture must be carried on completely within the residence or completely within any accessory structure.
- (y) "Immediate family." The owner(s) of a lot, the spouse of an owner, the parents, parents in law, children, children in law and grandchildren of the owner(s).
- (z) "Landscape water feature/ornamental pool." An outdoor fixture whose dominant use is aesthetic consisting of a catch basin, reservoir, or chamber from which one or more jets or streams of water is emitted.
- (aa) "Living quarters." Accommodations provided by an owner for occupancy from time to time by members of the owner's immediate family, domestic

- help, or health care providers whose presence on the premises is required by the owner or other family members.
- (bb) "Lot, plot or site." One contiguous piece or parcel of land, not divided or separated by property of any third party or by any street, walkway or other public right-of-way, which is occupied or proposed to be occupied by one main or principal building or use and its accessory buildings and uses, and which includes within its boundaries the open spaces required by this chapter, and which is either (i) defined as a single lot on a recorded subdivision plan or plat of record in the Register's Office for Davidson County, Tennessee, or (ii) separately described as a single tract in a property deed recorded in the Register's Office for Davidson County, Tennessee, prior to the enactment of Ordinance No. 39 on August 16, 1950.
 - (cc) "Lot of record." A lot that was separately described as a single tract in a property deed recorded prior to the date of enactment of Ordinance No. 39, on August 16, 1950, the minimum lot area shall be the area of such tract as described in such deed; provided. This definition applies to a tract which on November 20, 1996, was held in common ownership with an adjoining tract, the separation from which would result in a side yard, rear yard, or other zoning violation on the tract from which separated, and provided further that the application of this paragraph shall not exempt any lot to which this paragraph may otherwise apply from compliance with all setback requirements of the zoning classification.
 - (dd) "Lot lines, property lines, boundary." Lot line, property line, or boundary means a boundary of a lot. Lot line terms used are:
 - i) A front lot line is defined as the boundary of the lot contiguous to the right of way of the nearest public street or road. If the lot is a corner lot, the lot lines adjoining all and any rights of way shall be considered front lot lines.
 - ii) A rear lot line is opposite to, and the most distant from, the front lot line. The rear lot line on any lot of triangular or other irregular shape shall be considered as a line entirely within the lot but not less than ten (10) feet in length and parallel to and most distant from the front lot line.
 - iii) A side lot line is a boundary line which is neither a front lot line nor a rear lot line. On irregular lots, all other property lines other than the front and rear shall be side lot lines.
 - (ee) "Mechanical equipment." All compressors, generators, or other equipment necessary to the operation of the heating, ventilating and air conditioning equipment, and/or other mechanical systems included in a building or structure shall be located at or below ground level within the building envelope in which such building or structure is also located. This definition does not include boxes and/or structures placed on properties directly by a public utility agency.
 - (ff) "Multi-family housing." A structure or group of structures with more than one dwelling unit intended to provide temporary or permanent housing.
 - (gg) "Non-conforming use or structure." A use or structure which met the

requirements of the Zoning Code at the time it was commenced or constructed, or which was commenced or constructed prior to the enactment of the Zoning Code, but which does not meet the current requirements of this chapter.

- (hh) "Open carport." A structure of metal, canvas or column construction open on at least two (2) sides used generally for covering vehicles. A carport is typically considered a "detached structure" regardless of size and its proximity to the home or garage
- (ii) "Permanent sign." Any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to a pole or other structure or is characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.
- (jj) "Pool house." A structure constructed in connection with a swimming pool, which may contain bathrooms, dressing rooms and cooking facilities.
- (kk) "Porte cochere." A roofed structure extending from and structurally integrated into a building over an adjacent driveway intended to shelter those loading and unloading a vehicle. The definition of porte-cochere does not include the definition of an open carport.
- (ll) "Principle use." The primary use for which land or a building is or may be intended, occupied, maintained, arranged or designed as established by this Ordinance.
- (mm) "Rear yard." A required area of open space on a lot, unobstructed by man-made buildings or other structures, not otherwise permitted in this chapter, and located between the rear setback line and the rear lot line.
- (nn) "Retaining walls." Retaining walls are walls constructed for the purpose of retaining earth.
- (oo) "Right-of-way." A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.
- (pp) "Root or storm cellar." An underground room outside of the dwelling used for the storage of food products or to provide shelter during storm and/or disaster events.
- (qq) "Setback line." A setback line is a line within a lot or site generally parallel to the front, rear, or side lot line, between which and such front, rear, or side lot line, as the case may be, no buildings, structures, or portions thereof, may be constructed, except as is otherwise herein provided.
- (rr) "Short term rental unit." A residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days.
- (ss) "Side yards." Required areas of open space on a lot, unobstructed by man-made buildings or other structures, not otherwise permitted in this chapter, and located between the side building lines and the side lot lines. In the case of corner lots, all lot lines which are not contiguous to a street shall be considered side or rear lot lines.
- (tt) "Sight visibility triangle". The area located at the intersection of two streets, whether public or private, or a street and private driveway through which an unobstructed view of approaching traffic is necessary for motorists.

- (uu) "Sign." Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce or identify a person or entity, or to communicate information of any kind.
- (vv) "Sports court." Any dedicated hardscape area used for active recreation including, but not limited to, racquetball courts, pickleball courts, basketball courts.
- (ww) "Storage Shed". Structures for the housing or storage of tools, machinery and/or equipment for the general maintenance of a residence.
- (xx) "Swimming pool." A structure intended for swimming, recreational bathing or wading that contains water. This includes in-ground, hot tubs, spas, and fixed-in-place wading pool.
- (yy) "Tennis court." A designated area for the playing of tennis only including all areas within their enclosures.
- (zz) "Temporary sign." Any sign constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other materials that appears to be intended for temporary use and display for a limited time period. "Temporary sign" includes a banner and may also mean a sign made of more durable materials such as metal, wood, or hard plastic, but lacking a foundation or anchoring indicative of an intent to display the sign for more than a limited period.
- (aaa) "Yards." Yards are required areas of open space on the same lot or site with the existing or a proposed main building or use, bounded by the adjoining lot lines, open, unoccupied, and unobstructed by man-made buildings or structures from ground level to the sky.
- (bbb) "Zoning map." A map of the City of Belle Meade, Davidson County, Tennessee, prepared by Barge, Cauthen & Associates dated October 24, 2006, as revised by this ordinance.

14-203. Zoning Districts.

- (1) The zoning map is hereby adopted as the official zoning map of the City of Belle Meade.
- (2) As shown on the zoning map the territory of the City of Belle Meade is divided into five (5) districts, namely: Estates A, Estates B, Residence A, Residence B and Residence C. The location and boundaries of each district are shown on the zoning map and are incorporated in this chapter by reference.
 - (a) Estates A. The purpose of this district is to maintain and preserve the large estate character in areas and provide greater setbacks and a more rural appearance.
 - (b) Estates B. The purpose of this district is to maintain and preserve the estate character for areas generally along and beyond Chickering Road corridor. This district is established to provide the desired estate character in terms of lot size and setbacks.
 - (c) Residence A. The purpose of this district is to maintain and preserve the smaller estate character for areas generally located to the south and along Belle Meade Boulevard. This district is established to provide the desired consistent character in terms of lot size and setbacks.

- (d) Residence B. The purpose of this district is to provide a unifying design standard among varying lot sizes and architectural characteristics within the largest portion of the City.
- (e) Residence C. The purpose of this district is to provide a more urban development pattern among some of the smallest lots within the City.
- (f) The district bulk and setback regulations for all zoning districts are contained in Table 1 below.
- (3) The zoning map shall also reflect any historic overlay districts created by the Board of Commissioners.
 - (a) Historic overlay district provisions are hereby established to preserve and protect the historical and/or architectural value of buildings, structures, or areas of significant importance; to regulate exterior design, arrangement, texture, and materials proposed to be used within the historic districts to ensure compatibility; to create an aesthetic appearance which complements the historic or other structures; to stabilize and improve property values; and to foster civic beauty.
 - (b) Historic overlay districts shall be of two (2) types: historic preservation and neighborhood conservation. These districts are both defined as geographic areas which possess a significant concentration, linkage or continuity of sites, buildings, or structures that are united by past events or aesthetically by plan or physical development, and that meet one (1) or more of the following criteria:
 - i) The district is associated with an event that has made a significant contribution to local, state, or national history; or
 - ii) It includes structures associated with the lives of persons significant in local, state, or national history; or
 - iii) It contains structures or groups of structures that embody the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - iv) It has yielded or may be likely to yield archaeological information important in history or prehistory; or
 - v) It is listed or is eligible for listing in the National Register of Historic Places.
 - (c) The permitted uses, bulk regulations, and any other regulations or procedures otherwise applicable for any district in which a historic overlay is enacted shall remain unchanged, to the extent not inconsistent with this part.
 - (d) The creation of historic overlay districts shall be only in accordance with recommendations of the historic zoning commission ("HZC") and consistent with the review guidelines established for the district by that body. The creation of historic overlay districts shall be by amendment to the Zoning Code and also in accordance with all procedures established under the code and state law for zoning ordinance amendments.
 - (e) Neighborhood conservation overlay is applied to all five (5) zoning districts in the city and within the boundaries of the entire city.

TABLE 1. District Bulk and Setback Regulations

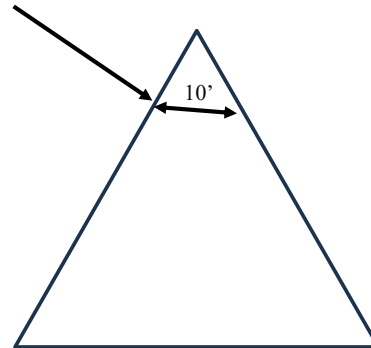
ZONING DISTRICT	Lot Area	Lot Width 5	Front Yard Setback 3	Side Yard & Corner Yard Setback 6	Rear Yard Setback 7
Estate A	200,000 SF	125'	800'	4	100' 1 120' 2
Estate B	75,000 SF	125'	125'	4	90' 1 100' 2
Residence A	70,000 SF	125'	75'	4	70' 1 100' 2
Residence B	40,000 SF	125'	75'	4	60' 1 85' 2
Residence C	20,000 SF	120'	65'	4	40'

FOOTNOTES.

1. There shall be a rear yard on every lot, which shall have a minimum depth stated above for those parts of any building which are twenty-five feet (25') in height or less.
2. There shall be a rear yard on every lot, which shall have a minimum depth stated above for those parts of any building which are in excess of twenty-five feet (25') in height.
3. No dwelling shall be constructed or altered so as to project beyond the front setback line that is established by calculating the average distance from the dwellings fronting on the same side of the street within one thousand feet (1,000') in each direction from the center of the dwelling being constructed. A front setback line as previously established and approved by the municipal planning commission shall remain in full force and effect. In cases where there are not dwellings fronting on the same side of the street within one thousand feet (1,000') in each direction, the setback lines as listed in the table above shall apply.

4. The minimum width of any side yard shall be twenty percent (20%) of the lot width at the front setback line and that the sum of the widths of both side yards shall be at least fifty percent (50%) of the lot width at the front setback line.
Example: Lot width = 200'. The combination of both side yard setbacks must equal 100' (50% of 200') and minimum of both side yard setbacks is 40' (20% of 200').
5. Minimum lot width is measured at the front property line and must maintain minimum width to at least the required front yard setback before reducing width proceeding further back into the lot.
6. For corner lots, the setback from both of the front lot lines shall follow the provision in Table 1 footnote 3. The rear lot line shall be the lot line parallel to the front lot line that the front entry door faces, and the remaining lot line shall be a side lot line for setback/yard purposes. On any corner lot, no fence, wall, hedge, or other planting or structure that will materially obstruct the sight visibility triangle between the height of two- and one-half feet (2.5') and ten feet (10') above the centerline grades of the intersecting streets forming said corner.
7. For triangular lots, the rear line for setback purposes shall be determined as a distance of 10' from the further point of the where the side lot lines meet and said line being parallel to the front setback line. (Diagram below):

REAR PROPERTY LINE DETERMINATION



14-204. Uses.

- (1) For all uses, please reference any specific conditions that shall apply as listed in Table 2. No building, structure, premises, or site shall be used or arranged to be used except as provided herein.
- (2) Permitted residential uses. The following residential uses are permitted:
 - (a) Single family dwelling. A dwelling for one (1) family.
 - (b) Accessory uses. Accessory uses customarily incident to the above permitted uses. Accessory uses cannot be established without a permitted principle permitted use. Accessory uses are permitted by right and do not require approval by any board. All accessory structures must be in the building envelope unless otherwise noted. Such uses shall include, but not be limited to, the following:
 - i) Attached Garage or porte cochere attached to the main dwelling or residence.
 - ii) Living quarters.
 - iii) Garden structures.
 - iv) Storage sheds.
 - v) Dog houses.
 - vi) Children's playhouses.
 - vii) Landscape water feature.
 - viii) Hot tubs and spas
 - ix) Mechanical equipment location.
 - x) Estate Sales.
 - (c) Temporary uses for construction activities. Subject to the following conditions, a contractor legally performing services for a resident may place on a lot on which the construction is being conducted a temporary construction trailer(s), portable toilets, other temporary construction facilities and/or a dumpster. The size, number and locations of temporary construction trailers, portable toilets, dumpsters and/or other temporary construction facilities shall only be placed at such locations as approved by the city building official deems in his/her sole discretion. The payment of the building permit fee shall entitle the resident, acting through its contractor, to maintain a temporary construction trailer, dumpsters, portable toilets, and/or other temporary construction facilities for a period of six (6) months. The extension of that permission for additional six (6) months periods is subject to the provisions of (A) above.
- (3) Conditional Non-residential uses.
 - (a) Churches and other places of worship, and schools. See Appendix A
 - (b) Municipal buildings. See Appendix B
 - (c) Historic home or site. See Appendix C
 - (d) Country clubs. See Appendix D
 - (e) Multi-family housing. See Appendix E
 - (f) Communication Facilities. See Appendix F
- (4) Conditional Residential uses.
 - (a) Greenhouses.
 - (b) Cabanas.

- (c) Swimming pools.
 - (d) Pool houses.
 - (e) Tennis courts
 - (f) Sports Court.
 - (g) Detached garage
 - (h) Home-based business activities.
- (5) Prohibited uses. The following uses and structures are strictly prohibited, and the board of zoning appeals shall be without power or authority to grant a variance for any use of property within the city in conflict with the provisions of this section:
- (a) Short term rental property. No dwelling, accessory building, living quarters, pool house, or other building, structure, premises, or site may be used as a short-term rental unit as herein defined. Any use of property as a short-term rental unit prior to the effective date of this ordinance may continue as permitted by state statute, Tennessee Code Annotated, §§ 13-7-601 to 606.
 - (b) Root cellar or storm cellar. The erection, construction, maintenance, or use of a basement or cellar as a detached structure,
 - (c) Billboards. The erection, maintenance or use of billboards, or other structures erected solely for advertising purposes, and likewise the posting of any signs, except street and road signs, or other signs specifically permitted in this chapter.
 - (d) Carports. Carports which are open and/or of metal frame, canvas, or column construction.
 - (e) Duplexes. The construction of a duplex, or other multi-family dwelling, containing two (2) or more dwellings on any lot.
 - (f) Commercial activity. Except as expressly permitted elsewhere in this chapter, the conduct of any business or commercial activity upon any lot located within the City of Belle Meade.
 - (g) High front yard fences and gates. A fence, wall, or gate along the front property line or corner property line not more than three feet (3') in height.

TABLE 2. USE SPECIAL APPROVAL, CALCULATIONS, PLACEMENT, AND CONDITIONS

*CU - Conditional Use approval by the board of zoning appeals subject to criteria in Section 14-208(3)(b).

Use	BZA Approval	Calculated as Gross Floor Area	Counted as Hardscape	Building Envelope Required	Special Conditions
Attached Garage	No	Yes	No	Yes	All dwellings constructed after September 1, 1997, shall have an attached garage or detached garage for the storage of a minimum of one (1) standard automobile. Garage space may be provided for three (3) motor vehicles on any lot and garage space may be provided for one (1) additional vehicle for each ten thousand (10,000) square feet of lot area by which said lot exceeds the minimum area required for a lot in the district in which said lot lies. For purposes of establishing the number of parking spaces provided, one (1) space shall have a maximum width of ten feet (10') and a maximum depth of twenty feet (20'). Garages shall have their doors facing to the side or rear of the property. For corner lots, the garage may face the street that does not have the main front door facing it. The Residence C zoning district is exempt from this standard.
Cabana	Yes - CU	No	Yes	Yes	None
Child Playhouse	No	No	Yes	No	Not to exceed one hundred (100) square feet in floor space, less than eight feet (8') in height and diminutive in scale and design, and similar children's recreational facilities; provided they are to the rear of the dwelling and are at least ten feet (10') from the rear and side lot lines.

Use	BZA Approval	Calculated as Gross Floor Area	Counted as Hardscape	Building Envelope Required	Special Conditions
Detached Garage	No	Yes	No	Yes	All dwellings constructed after September 1, 1997, shall have an attached garage or detached garage for the storage of a minimum of one (1) standard automobile. Garage space may be provided for three (3) motor vehicles on any lot and garage space may be provided for one (1) additional vehicle for each ten thousand (10,000) square feet of lot area by which said lot exceeds the minimum area required for a lot in the district in which said lot lies. For purposes of establishing the number of parking spaces provided, one (1) space shall have a maximum width of ten feet (10') and a maximum depth of twenty feet (20'). Garages shall have their doors facing to the side or rear of the property. For corner lots, the garage may face the street that does not have the main front door facing it. A detached garage may connect to a residence by a covered but unenclosed breezeway. A breezeway can be no wider than the average width of a pedestrian pathway. The area of the breezeway (under roof) shall count toward the gross floor area calculations. The Residence C zoning district is exempt from this standard.
Doghouse	No	No	Yes	No	Not to exceed twenty-five (25) square feet in area covered, provided they are to the rear of the dwelling and are at least twenty feet (20') from the rear and side lot lines. The maximum height shall be 8'.
Driveway and Parking Area	No	No	No	No	See section 14-204(1)(j)

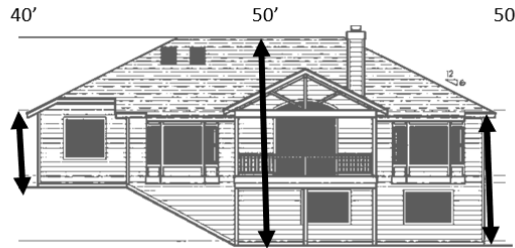
Use	BZA Approval	Calculated as Gross Floor Area	Counted as Hardscape	Building Envelope Required	Special Conditions
Estate sales	No	No	No	No	Such sale may not extend over a period of more than two (2) days, and no more than one (1) such sale may be conducted from the same location in any one (1) calendar year. No person shall engage in this activity without first obtaining from the city manager an estate sale permit. The application for permit must be made in person by the resident/owner of the property. The city manager shall have the authority to review all applications for permits and issue permits at his/her discretion after considering all the implications of traffic, congestion, noise, etc. A sale advertising sign may be posted of less than eight (8) square feet only on the subject property during the time period permitted for the holding of such sale.
Garden Structure	No	No	Yes	No	Not to exceed two hundred fifty (250) square feet of area covered, provided they are to the rear of the dwelling and are at least ten feet (10') from the rear and side lot lines
Greenhouse	Yes - CU	No	Yes	Yes	None
Home-based Business	Yes - CU	Yes	No	Yes	Persons engaged in this use shall have not more than one (1) on-premises employee assisting in those activities. The board of zoning appeals shall have the authority to review all applications for permits and issue permits at their discretion after considering all the implications of traffic, congestion, noise, etc. No use shall be carried on at any time in such manner as to require on-street parking, or special parking arrangements at premises other than the premises of the seller of goods or provider of services.

Use	BZA Approval	Calculated as Gross Floor Area	Counted as Hardscape	Building Envelope Required	Special Conditions
Landscape Water Feature	No *	No	Yes	Yes	Having a depth of more than eighteen inches (18") shall be in the building envelope. *If placed outside of the building envelope and over 18" in depth, a Conditional Use approval by the board of zoning appeals is required prior to construction. Landscape water features 18" or less in depth may be placed outside of the building envelope. A landscape water feature cannot be attached to a swimming pool and be placed outside of the building envelope.
Living Quarters	No	Yes	No	Yes	Provided as an integral part of the principal residence or in an accessory building.
Mechanical Equipment	No	No	Yes	Yes	All compressors, generators, or other equipment necessary to the operation of the heating, ventilating and air conditioning equipment and/or other mechanical systems included in a building or structure shall be located at or below ground level within the building envelope in which such building or structure is also located.
Patio/Deck	No	No	Yes	No	None
Pool House	Yes - CU	Yes	No	Yes	Included in footprint calculation.
Porte Cochere	No	Yes	No	Yes	None
Sidewalks	No	No	Yes	No	None
Single Family Dwelling	No	Yes	No	Yes	None

Use	BZA Approval	Calculated as Gross Floor Area	Counted as Hardscape	Building Envelope Required	Special Conditions
Solar Panels	No	No	No	No	Solar panels may be installed upon the roof of any building as long as it is not visible from any street.
Sports Court	Yes - CU	No	Yes	Yes	Maximum area of 30' x 60'. Sport courts may not be illuminated after 9:00 P.M.
Storage Shed	Yes - CU	No	Yes	Yes	None
Swimming Pools	Yes - CU	No	Yes	Yes	Enclosed by a fence or wall not less than six feet (6') in height above the exterior adjoining grade.
Tennis Court	Yes - CU	No	Yes	Yes	The illumination of tennis courts, within the primary playing area, shall be as defined by the current United States Tennis Association publication for residential installations. The number, location, height, mounting, type, construction, and design of tennis court lights, and of the poles and fixtures shall be as determined by the Board of zoning appeals. Tennis courts may not be illuminated after 9:00 P.M.

14-205. Development Standards.

- (1) General statement. Irrespective of the zoning district in which located, the area which may be occupied by buildings or structures on any lot shall be restricted as shown in the accompanying chart and as described as follows:
 - (a) Number of dwellings. Not more than one (1) principal dwelling may be erected on any one (1) lot or building site.
 - (b) Dwelling area is limited by footprint and floor area ratio.
 - i) The allowable footprint area of a dwelling above the natural grade of the site, plus the area of all attached or detached garages or a pool house, shall not exceed eight percent (8%) of the total lot area in Estates A district and twelve percent (12%) of the total lot area in all other zoning districts.
 - ii) The allowable floor area ratio on a residential structure shall be defined as function of the gross floor area divided by the total square footage of the lot, such that the maximum floor area ratio for buildings on a lot shall be:
 - For zoning districts Residential A & B and Estate A & B: 0.20; however, for properties that are 40,000 square feet or less in area it shall be 0.225
 - For zoning district Residential C: 0.225
 - iii) In no zoning district shall a dwelling have a gross floor area of less than two thousand (2,000) square feet. For lots less than 10 acres, a dwelling shall have no more than twenty thousand (20,000) square feet regardless of calculation in subsection ii) above.
 - (c) Maximum hardscape ratio. The square footage of hardscape, which shall include the maximum swimming pool area, as compared to the lot size shall not exceed eight percent (8%) of the lot area.
 - (d) Maximum swimming pool area ratio. The square footage of the surface area of the water in a swimming pool as compared to the lot size shall not exceed two percent (2%) of lot area.
 - (e) No dwelling shall exceed forty feet (40') in height as measured at the front building line in the Estates A, Estates B, Residence A, and Residence B districts and thirty feet (30') in the Residence C district. In the Residence A and Residence B districts, for lots 40,000 SF or less in area, no dwelling shall exceed 35' in height as measured at the front building line. The maximum height of a dwelling along its sides or rear shall not exceed fifty feet (50') measured from the finished grade in the Estates A, Estates B, Residence A, and Residence B districts and forty feet (40') in the Residence C district. No dwelling shall have a height of less than fifteen feet (15') feet.



- (f) No accessory residential structure shall exceed) twenty-five feet (25) in height as measured at the front setback line.
- (g) The following shall be exempt from the height provisions:
 - i) Chimneys not extending more than twelve feet (12') above the point at which the chimney penetrates the roof of the main building
- (h) Fences and walls. A fence or wall three feet (3') or less in height may be constructed at any location on a lot. A fence or wall not more than six feet (6') in height with posts or columns that extend up to, but not more than, eight inches (8") above the fence shall be located:
 - i) Abutting a rear lot line;
 - ii) Parallel to the front lot line and extending from a side lot line to the rear corner of the dwelling that is closest to the side property line or a lesser area on the premises; and
 - iii) Abutting a side lot line, no closer to the front lot line than its intersection with a line from it to the rear corner of the dwelling.
 - iv) The following offsets in the fencing or walls are permitted if, in the opinion of the planning director, it is required to:
 - Provide a required parking area per Section (j)(v) below;
 - Protect existing trees on the property line, provided that such offset provides an access through the fence sufficient to assure maintenance of any property between the property line and fence; and/or
 - Ensure adequate stormwater drainage as designed and installed for the specific property.
 - v) The finished side of all fences must face out toward the adjoining property.
 - vi) The construction or reconstruction of any fence or wall shall require a building permit.
- (i) Retaining walls. A fence or wall three feet (3') or less in height may be constructed at any location on a lot, except that multiple retaining walls must be separated by terraces of at least six feet (6') in width. Walls and fences with changes of grade shall be measured from the finished grade on the lower side.
- (j) Parking. Except for vehicles of temporary visitors or guests of residents, and delivery or service vehicles temporarily on the premises, parking or vehicle storage on the dwelling site is restricted as follows:
 - i) All automobiles, trucks, trailers, boats, motorcycles, or any similar

- vehicles, whether or not self-propelled, must be parked or stored either in an attached or detached garage, porte cochere, or on a driveway/parking area.
- ii) All vehicles other than passenger cars, station wagons, passenger minivans, sport utility vehicles, pick-up trucks, and passenger vans of eight (8) passenger capacity or less, must be parked or stored in an area not visible from the street at any time.
 - iii) No more than twenty-two percent (22%) of the yard area between the front building line and the front lot line, shall include driveway/parking area. The total of all driveway/parking areas on any lot shall not exceed twelve percent (12%) of the total lot area.
 - iv) A minimum twenty-five (25) feet by twenty-five feet (25') turnaround area shall be provided at the attached or detached garage for access. No driveway or connecting driveways shall be constructed so as to provide access to more than one street, except in the case of corner lots. No parking of automobiles, or other vehicles, shall be allowed within twenty feet (20') of the front property line.
 - v) Between any driveway and the nearest property line there shall be a minimum of five foot (5') "green space," to be devoted to grass or other vegetation.
- (k) Change in elevation. There shall be no change in the existing elevation of a lot, by excavation, fill, grading, the use of retaining walls, or combination of thereof except:
- i) A change in elevation of up to two feet (24") shall be permitted for the entire lot.
 - ii) Within the building envelope up to a total area of six percent (6%) of the entire square footage of the lot, an additional two feet (24") elevation change shall be permitted.
 - iii) An additional one foot (12") of elevation change shall be permitted on an area up to four percent (4%) of the entire square footage of the lot in the area outside the building envelope but not extending into a buffer zone extending twenty feet (20') from the property sidelines, rear property line, and front property line.
 - iv) There shall be no restriction whatsoever on grade change within the building footprint.

14-206. Temporary signs.

- (1) Except as otherwise restricted in this chapter or elsewhere in the municipal code, temporary, freestanding, non-commercial signs may be placed or erected on any lot in any zoning district at any time.
- (2) No temporary sign shall be placed in the public right-of-way.
- (3) Temporary signs may not be illuminated and shall not exceed eight (8) square feet in area.

14-207. Procedure before the historic zoning commission.

- (1) Any property owner who wants to construct a new principal use building, an addition,

or demolish an existing principal use building must first obtain a certificate of appropriateness (CoA). A CoA is a form issued to ensure that the work planned for new construction, additions or demolition meets the criteria of the Citywide Conservation Overlay Design Guidelines (“design guidelines”). The CoA must be obtained in addition to the regular building permit.

- (2) To begin the CoA process, property owners must first meet with the planning director to discuss the project, answer questions, and to be advised on whether or not the plans are required to go before the historic zoning commission (HZC).
- (3) Required documentation for a CoA shall include:
 - (a) For new construction and additions, a complete set of schematic plans at scale and descriptions of materials. Site plans shall be drawn to scale and show all existing and proposed improvements. Specifications and/or samples of exterior materials will be required such as siding, roofing, doors, windows, and ornamentation.
 - (b) For demolition, photographs of the building proposed for demolition are required along with a statement describing the reasons for demolition and proposed use of the site.
- (4) Any application for new construction, repair, alteration, rehabilitation, relocation, or demolition of any principal use building or structure located in any historic district must first be referred to the (HZC) for review and approval. No permit of any kind shall be issued until such a certificate of appropriateness has been issued by the HZC. The HZC shall require detailed construction plans and data pertinent to its review. The planning director will advise the HZC whether or not the proposed work meets the design guidelines. If there is a conflict between the plans and the design guidelines, the planning director may offer advice on how to modify the plans to meet the guidelines. The HZC shall act within thirty (30) days of acceptance of a completed CoA application and materials submittal. The HZC shall grant the CoA with or without conditions or deny the same, and shall state the grounds for any denial in writing.
- (5) The HZC will make their decisions on CoA applications based on the design guidelines. In making its review the HZC shall rely upon the adopted guidelines for the district and give primary consideration to:
 - (a) Historic or architectural value of the present structure;
 - (b) The relationship of the exterior architectural features of such structure to the rest of the structure, surrounding areas, and to the character of the district;
 - (c) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
 - (d) Any other factor, including aesthetic, which is reasonably related to the purpose of this part.
- (6) The HZC has delegated to the planning director the ability to administratively approve work without prior review of the work by the HZC. The types of construction and/or site activity that may be administratively reviewed are listed below. The planning director may, at any point during the review process and for any reason, choose to refer the CoA to the HZC.
 - (a) Demolition of accessory structures and appurtenances.
 - (b) Demolition of any structure that has become a major life-safety hazard and is

- requested to be demolished for that reason.
- (c) Demolition of primary buildings less than fifty years of age.
 - (d) Construction of Accessory Structures
- (7) A CoA is valid for two years from the date of issuance. If no work is performed during that time period, a new CoA application must be submitted and another HZC meeting must be held.
 - (8) If plans change while construction work is in progress, a new CoA application must be submitted and another HZC meeting must be held. Work undertaken contrary to original approval in a CoA or beyond the scope of the CoA requires approval from the HZC or staff. If a violation is discovered or reported, the following steps may be taken:
 - (a) The building official may issue a stop work order. At this point the property owner must obtain a CoA from the HZC. If the work does not meet the design guidelines, the HZC may require that the work be redone or modified.
 - (b) If the property owner does not respond to the stop work order, the building official may issue a citation for violating the ordinance. This will outline deadlines for responding. If the property owner still does not respond, the building official may issue a citation to appear in court.
 - (9) Review of any decision of the HZC shall be by writ of certiorari under Tennessee Code Annotated, §§ 27-8-101 et seq.
 - (10) Notice of a hearing before the HZC shall be in writing, mailed to the owner or their agent or other appellant at the address given on the appeal and to directly affected property owners or their agents, and the occupants where same is not owner occupied, at least five (5) days prior to the date set for such proposed hearing, in such manner as the board in its rules of procedure may prescribe. The HZC may establish by rule measures to provide additional notice to directly affected property owners or their agents, and the occupants where same is not owner occupied. A notice of the pending application shall be posted by the planning director on the property affected at least ten (10) days before the scheduled hearing. The HZC shall and is hereby authorized to adopt such rules and regulations as it may deem necessary and appropriate to carry into effect the provisions of this chapter.

14-208. Board of zoning appeals.

- (1) Jurisdiction. The board of zoning appeals shall have such duties, powers, and authority as are set forth in this chapter and Tennessee Code Annotated §§13-7-201 to 207.
- (2) Administrative review. The board may hear and decide questions arising from a decision or determination made by any administrative official in the enforcement or application of this chapter or from the refusal, granting or revocation of any permit under the provisions of this chapter brought before the board of zoning appeals on appeal by any person deeming to be adversely affected by such action;
- (3) Variances. As to any piece of property existing as a separate lot or tract as of the date of adoption of this ordinance, the board of zoning appeals shall have power and authority to approve variances from the strict application of this chapter, where, by reason of exceptional narrowness, shallowness, exceptional topographic conditions, or other extraordinary and exceptional situation or condition of a specific piece of

property, the strict application of the zoning ordinance would result in practical difficulties to or exceptional or undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and without substantially impairing the intent and purpose of the zoning ordinance of the City, and such resulting construction will not be out of harmony with other homes in the neighborhood.

- (4) Conditional Uses. The board of zoning appeals may hear and decide requests for conditional use permits, which shall also be construed as synonymous with special exceptions as defined in T.C.A. §13-7-206. The grant of any conditional use permit shall be subject to such conditions and safeguards as the board may require for the protection of the character of the community, including but not limited to provisions for vegetative screening, controls on lighting, a finding by the board that the conditional use will not interfere substantially with the use and enjoyment of their property by adjacent owners and a finding that the proposed use also meets all specific standards for such use found in this chapter and in Appendices A-F.
- (5) Procedure.
 - (a) The board of zoning appeals shall take no action in any case until after notice and public hearing. The presence of four (4) members shall constitute a quorum. The concurring vote of a majority of the board of zoning appeals present at any meeting shall be necessary to reverse or modify any order, requirement, or decision of the city building official or the city manager, or to decide in favor of the appellant in any matter upon which the board of zoning appeals is required or authorized to pass, to affect any variation or to grant any variance. Any person entitled to notice and hearing by the provisions of this chapter may indicate in person or in writing their support for, or opposition to, the relief sought by the property owner involved.
 - (b) Notice of a hearing before the board shall be in writing, mailed to the owner or their agent or other appellant at the address given on the appeal and to directly affected property owners or their agents, and the occupants where same is not owner occupied, at least five (5) days prior to the date set for such proposed hearing, in such manner as the board in its rules of procedure may prescribe. The board of zoning appeals may establish by rule measures to provide additional notice to directly affected property owners or their agents, and the occupants where same is not owner occupied.
 - (c) A notice of the pending hearing and of the relief sought shall be posted by the city building official on the property affected at least ten (10) days before the scheduled hearing. The board of zoning appeals shall and is hereby authorized to adopt such rules and regulations as it may deem necessary and appropriate to carry into effect the provisions of this chapter.
- (6) Limitations on board authority. Notwithstanding the foregoing, the board of zoning appeals shall have no authority to grant any appeal or other matter upon which it is required to pass under this chapter if the planning director, building official, or city manager certifies that the property owner seeking approval is in default in its compliance with any prior orders of the board of zoning appeals respecting the property in question, as evidenced by the minutes of the board of zoning appeals and/or plans approved by the board of zoning appeals and on file with the City, unless

and until there shall have been full compliance with such orders.

14-209. Non-Conforming Uses and Structures.

- (1) Continued use. A non-conforming use or structure may be continued, but may not be enlarged or extended, unless the enlargement or extension meets all the requirements of this chapter and there is no enlargement or extension of the particular nonconformity. Notwithstanding the foregoing, any non-conforming use or structure protected by Tennessee Code Annotated, § 13-7-208 shall be subject to the enlargement or extension requirements contained therein. This section shall not be construed to restrict or prohibit a change of use in any non-conforming structure or building, so long as the change of use is from one legally permitted principal or accessory use to another.
- (2) Reconstruction. Any non-conforming structure or improvement may be reconstructed, so long as the footprint or other non-conformity are not increased or enlarged. A building permit for reconstruction must be issued by the City within twelve months of the demolition of the non-conforming structure or improvement. In all other cases, reconstruction shall be subject to the approval of the board of zoning appeals.
- (3) Casualty. Any non-conforming structure damaged by fire, explosion, flood, or act of God may be reconstructed and used as before any such calamity provided building permit application for such reconstruction shall be made within twelve months of the date of its destruction or damage. Notwithstanding the foregoing, any non-conforming use or structure protected by Tennessee Code Annotated, § 13-7-208 shall be subject to the applicable period for reconstruction contained therein.

14-210. Site Plans and other information to accompany permit applications.

- (1) Each application for a building permit shall be accompanied by a site plan, drawn to scale showing:
 - (a) The actual dimensions and square footage of the building site and building envelope with a topographical survey of the site,
 - (b) The location, square footage, gross floor area and floor area ratio of the proposed buildings, including all walls and fences and all driveways, parking areas and other paved surfaces, upon the site,
 - (c) The location and square footage of all hardscapes, including, without limitation, accessory uses and planned conditional uses, the "hardscape ratio" and, the maximum accessory uses, and
 - (d) The precise dimensions, floor plans and drawings showing architectural elevations of the proposed buildings on all sides, and such other information as may reasonably be required by the city building official to assure compliance with the provisions of this and all other applicable ordinances. It shall be the responsibility of the applicant to verify all setback lines shown on the site plan.
- (2) In accordance with the Tennessee Water Quality Act, Tennessee Code Annotated, § 69-3-108, any activity which alters the course or physical character of a stream, defined by a blue line on a seven and one half (7½) minute U.S.G.S. quadrangle,

requires an Aquatic Resource Alteration Permit (ARAP.) This permit is required for activities such as stream channelization, stream enlargement, dredging, or diversions in box culverts. To obtain the permit, application must be made to Tennessee Division of Water Pollution Control.

14-211. Occupancy permits.

- (1) No undeveloped lot or parcel of land and no building now in existence, altered, or erected shall be occupied or used, in whole or in part, nor shall any owner or tenant of any land or building hereafter change the use classification or enlarge the use in any building or in any premises without a certificate from the city manager stating that the use of the building or premises complies with the provisions of this and all other applicable ordinances.
- (2) Application for a certificate of occupancy shall be made with the application for building permits. An application for a certificate of occupancy shall also be made in those instances where a building permit is not required, and the owner or tenant, without making any alteration of the building, proposes to change the use of the building, structure, or premises, or proposes to commence an accessory use or proposes to change the type of accessory use.
- (3) A record of all certificates of occupancy shall be kept in the office of the city building official available to the public, and a copy of same shall be furnished on request to any person having a proprietary or tenancy interest in the property affected thereby.

14-212. Amendments.

Any owner of property in Belle Meade who wishes to amend this chapter shall submit a written request, in which the substance of their proposed amendment shall be stated. Such request shall be addressed to the municipal planning commission, which may consider the matter and hold a hearing thereon in its discretion. The municipal planning commission shall take action to approve or disapprove the request within thirty (30) days following date of its receipt, and shall promptly notify the owner of its decision. The board of commissioners shall hold a public hearing on the proposed amendment, as required by law, before taking action. If the municipal planning commission shall have disapproved the proposed amendment by a vote of a majority of the entire membership of such commission, the owner proposing said amendment shall pay in advance to the City the cost of advertising the proposed amendment for consideration by the board of commissioners. Any and all amendments must be done in compliance with Tennessee Code Annotated, Sections 13-7-201 through 204.

14-213. Effective date.

This ordinance shall be effective from and after _____ the "effective date"). All applications for building permits, variances, special exceptions, and/or other forms of relief, and all appeals, filed on or prior to _____, shall be considered and acted upon on the basis of the laws of the City of Belle Meade in effect prior to the adoption of this ordinance. In turn, all applications for building permits, variances, special exceptions, and/or other forms of relief, and all appeals, filed on or after _____ shall be considered and acted upon on the basis of the provisions of this ordinance, taken in conjunction with the provisions of Ordinance No. 8 regulating the construction of buildings and the issuance of

building permits, which shall remain in effect.

14-214. Enforcement.

The planning director and building official, under the direction of the city manager, shall administer and enforce the provisions of this chapter and are authorized to stop work that has commenced without obtaining a required permit or is otherwise not in keeping with an approved site plan or building permit. No permit shall be issued for excavation, or for construction or alteration of any building or structure or any part thereof, if the building official or planning director is of the opinion that the plans or specifications for same, or its intended use, indicate that said building, structure, or use would not conform in all respects either with the provisions of this chapter, or with the provisions of some other ordinance of the City of Belle Meade applicable to the use of property. After a permit has been issued for the renovation of any building, if any portion of the building is removed, razed or demolished other than the portion presented to the board of zoning appeals or the building official, then the building official shall automatically terminate, and no further work may proceed until such time as a revised plan has been reviewed by the building official and determined to be consistent with the approval granted by the board of zoning appeals, or if not consistent, the revised plan has been approved by the board of zoning appeals.

14-215. Penalty for violation.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall be subject to a fine of not less than fifty dollars (\$50.00). Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense. A charge for a violation and request for imposition of penalty may be heard and enforced in the City Court of the City of Belle Meade, upon proof submitted by the building official, planning director, or other responsible city official. The planning director or building official, through the city attorney, may, in addition to other remedies, institute injunction, mandamus or other appropriate action in state court to correct or abate a violation of this chapter. Where a violation exists, the planning director may request that utility service be curtailed until the violation is corrected or abated.

14-216. Ordinances in conflict.

All ordinances and portions of ordinances in conflict with this ordinance are hereby repealed from and after the effective date of this ordinance, save and except Ordinance No. 8, and all amendments thereto, heretofore adopted by the board of commissioners of the City of Belle Meade, regulating the construction of buildings and issuance of building permits, which ordinance shall remain in full force and effect, any provision herein to the contrary notwithstanding.

14-217. Validity.

The sections, paragraphs, sentences, and words of this ordinance are severable. If any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections of this ordinance shall be declared unconstitutional, or in excess of the powers vested in the board of commissioners by the valid judgment or decrees of any court of competent jurisdiction, such unconstitutionality, or exercise of excess powers, shall not

affect any of the remaining words, clauses, sentences, paragraphs, and sections of this ordinance, as the same would have been enacted by the board of commissioners without the incorporation in the ordinance of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, or exercise of such excess powers.

14-218. Appendices.

- (1) Appendix A. - Churches or Places of Worship and Schools
- (2) Appendix B. - Municipal Buildings
- (3) Appendix C. - Historic Home or Site
- (4) Appendix D. - Country Clubs
- (5) Appendix E. - Multi-Family Housing
- (6) Appendix F. - Communication Facility
- (7) Appendix G. -The Zoning Map

Appendix A
Churches or Places of Worship and Schools

Churches, or other places of worship, and schools constructed and operated by the State of Tennessee or any of its political subdivisions, private or charitable institutions, corporations, or individuals, shall be subject to the following provisions:

- (1) The board of zoning appeals through the conditional use process shall have exclusive jurisdiction and authority to grant a permit for the construction or improvement of churches or other places of worship and school buildings, including all accessory buildings and structures, parking areas, walkways, entrances, exits and driveways.
- (2) Where application is made for a conditional use permit under this section, the application shall be accompanied by a site plan drawn to scale, showing the actual dimensions of the parcel of land to be built upon or used, the size of the building to be erected or converted, the position of the proposed or existing building upon the lot, the position of any future contemplated or projected buildings to constitute a part of the proposed improvements, the position and dimensions of any automobile parking area, immediate or projected in the future, and such other information as deemed necessary by the planning director, or by the board of zoning appeals, for consideration of the application.
- (3) Parking areas shall be provided for all buildings proposed for use. There shall be provided and constructed, on the lot or site so proposed to be used, automobile parking space for one (1) automobile for each four (4) seats or seating spaces to be provided for in the main auditorium, sanctuary, assembly room or existing building proposed to be used as such. A seating space shall be determined to be calculated as ten (10) square feet of floor space in the main auditorium, sanctuary, or assembly room. Such parking area or areas shall not exceed twenty-five percent (25%) of the lot area upon which the building or buildings are proposed.
- (4) For the erection or use of a building for the purposes allowed by this section, the minimum requirement shall be four hundred thousand (400,000) square feet of lot area; or such lesser area as may be sufficient to ensure privacy for all neighboring properties and adequate protection from noise, congestion, and other disturbance.
- (5) No building shall be constructed or altered for use, to be closer than two hundred fifty feet (250') to the boundary of said lot in any direction, or such shorter distance, as determined by the board of zoning appeals, as may be sufficient to ensure privacy for all neighboring properties, adequate protection from noise, congestion, and/or other disturbance resulting from the location of the building on the site.
- (6) No building having a height less than fifteen feet (15') shall be permitted.
- (7) Signs may be placed on the premises. No sign allowed by this provision shall exceed eight (8) square feet in area.
- (8) Activities:
 - (a) Prior to the commencement of any new activity on the property subject to the conditional use permit, the institution shall request a permit for activities during the course of the following twelve-month period.
 - (b) The permit shall be reviewed and resolved by the board of commissioners at the next scheduled meeting for which there has been provided timely notice of the review of the permit.

- (c) In reviewing the request for permit, the board of commissioners shall be provided with such information as they might request to balance the interests of the permittee with the rights of the citizens of the City of Belle Meade, including but not limited to:
 - (i) A detailed description of the nature of the activities, and the actions required to prepare for and disassemble the activity upon completion;
 - (ii) Dates of activities;
 - (iii) Hours of operation for activities;
 - (iv) Specific location of activities, including whether inside or outside buildings, and, if outside:
 - (A) Specifically, where on the grounds;
 - (B) Approximate square footage required for the activity and the approximate number of parking places required by the activity; and
 - (C) Such other information as may be necessary to assess the impact on the traffic on the streets of the City of Belle Meade.
 - (v) The terms and conditions of any other permit required for such activities.
 - (vi) The name and telephone number of that representative of the permit holder who shall be available at all times for the duration of the activity
 - (vii) A description of any signage, including way-finding signage, to be used in connection with each activity. All signage shall comply with the other provisions of this code.
 - (viii) The permit holder shall provide on-site parking for all vehicles bringing visitors to the site for such activities.
- (d) The permit holder shall be subject to all ordinances dealing with sound emissions and other police power functions of the City of Belle Meade, and it shall be responsible for any violations thereof occurring on its premises.
- (e) The permit holder shall provide insurance for such activities and shall indemnify and hold harmless the City of Belle Meade from any and all liability arising as a result of such activity.

Appendix B
Municipal Buildings

Buildings erected by the City of Belle Meade for municipal purposes. The provisions of §§ 14-202 through 14-210 of this chapter shall not apply to structures or buildings erected on property owned by the City for municipal purposes, but no such structures or buildings shall be erected by the City without approval of the board of zoning appeals after public hearing through the conditional use process.

Appendix C **Historic Home or Site**

An historic home or site shall be designated as such by this Appendix or amendment thereto. It shall be open to the public and owned and operated by a public or private non-profit entity. By this Appendix C, the Belle Meade Winery and Historic Site, formerly known as the Belle Meade Plantation, located on Harding Road at Leake Avenue, is designated such a home or site.

- (1) From and after designation as such, no historic home or site may expand its land area except by amendment to this Appendix.
- (2) No addition to any building or structure on the historic site may be altered or added to, and no new building or structure shall be constructed, without approval by the board of zoning appeals as to its purpose and location, and a finding that it is architecturally compatible with the original buildings or structure on this site. Applications for approval of such new buildings or structures must be accompanied by plans prepared by a registered architect.
- (3) No signs shall be located on the grounds or on the exterior of any of the buildings on the site, other than:
 - (a) Identifying signs located on individual buildings; and
 - (b) The historic site sign at the entrance to the property, the size, style, and content of each of which shall be subject to the approval of the board of zoning appeals.
- (4) Activities:
 - (a) Prior to the commencement of any activity, a historic home or site shall request a permit for activities to be conducted on the site during the course of the following twelve-month period.
 - (b) The permit shall be reviewed and resolved by the commissioners at the next scheduled meeting of the board of commissioners for which there has been provided timely notice of the review of the permit.
 - (c) In reviewing the request for permit, it is anticipated that the following activities fall within the approved uses of a historic home or site:
 - (i) Sales of customary gift shop items;
 - (ii) Sale of food and beverages including the operation of a restaurant facility subject to review and approval of terms and conditions imposed by the board of commissioners in connection with the issuance of a permit for such operations;
 - (iii) As many as three (3) special "fair or "festival" type fundraising events, sponsored by the site, may be held annually at which food, beverages and merchandise may be sold. Such events may be held outdoors if desired, with signs on the premises advertising them. Such events may be of no more than three (3) days duration each. For such events, the historic home or site shall provide parking for those attending the event and shall post "no parking" signs on all neighboring streets within the City of Belle Meade;
 - (iv) Each such historic home or site may rent its premises from time to time for private party social occasions, wedding receptions, concerts,

fundraisers for non-profit entities or other like events at which food and beverages may be served, and merchandise may be sold, but at which no commercial activities shall be conducted. The sponsors or hosts of all such events shall provide parking for those attending the event and, if requested by the police department of the city, shall post “no parking” signs on all neighboring streets within the city.

- (d) The historic home or site shall be subject to all ordinances dealing with sound emissions and other police power functions of the City of Belle Meade, and it shall be responsible for any violations thereof occurring on its premises.
- (e) The historic home or site shall provide off-street parking for all vehicles bringing visitors to the historic home or site and its amenities, including tour buses.
- (f) No vehicular access of any kind is allowed off of Parmer Avenue, other than emergency access.

**APPLICATION FOR ACTIVITY PERMIT
IN ACCORDANCE WITH TITLE 14, CHAPTER 2, APPENDIX C**

Applicant _____ (a designated historic home or site in accordance with Appendix C) hereby applies for a permit to conduct the following activities on Applicant's property for the period of _____ through _____

- A. Hours of Operation for Access to Applicant's Home or Site:
- B. Hours of Operation for any amenities provided on site:
Gift Shop Hours of Operation:
Restaurant:
Name:
Hours of Operation:
- C. Scheduled Activities:
 - 1. Name of Activity:
 - a. Dates of activities:
 - b. Hours of Operation:
 - c. Planned activities:
 - 2. Name of Activity:
 - a. Dates of activities:
 - b. Hours of Operation:
 - c. Planned activities:
 - 3. Name of Activity:
 - a. Dates of activities:
 - b. Hours of Operation:
 - c. Planned activities:
- D. Other activities:
 - 1.

Conditions of Grant of Permit:

Applicant is solely responsible for all permits and licenses required to conduct the activities on its premises, and shall at all times assure compliance with all laws, federal, state and otherwise, that govern the conduct of activities on the premises. Applicant agrees to indemnify and hold harmless the City of Belle Meade from any and all liability of any nature and kind whatsoever arising as a result of the use of the Applicant's property and the activities conducted thereon.

Appendix D
Country Clubs

Country clubs are subject to the following provisions:

- (1) A country club shall be designated as such by this Appendix or an amendment hereto. To be eligible for such designation, it shall be organized as a private, non-profit, membership entity and shall be operated for the exclusive use and enjoyment of its members and their guests, but not for the general public. It may provide facilities for social, recreational, dining, and athletic activities as determined from time to time by its duly elected governing board. By this Appendix D, Belle Meade Country Club, located at 815 Belle Meade Boulevard, is designated such a country club and the property which it occupies at that location is designated as a country club site.
- (2) The board of zoning appeals shall have exclusive jurisdiction and authority to grant a conditional use permit for the location and/or construction (excluding interior building renovations) of improvements upon a country club site, including the club house and any additions, all accessory buildings and structures, tennis courts, swimming pools, other athletic facilities, (excluding the golf course, which shall be considered a landscaped area, not requiring board approval) parking areas, driveways (exclusive of cart paths), walkways, entrances and exits used and constructed in conjunction therewith (collectively "country club facilities"). The board shall authorize such an approval only if it is the finding of the board that there is a reasonable amount of space for the proposed facility within the country club site to avoid nuisances to adjoining landowners.

Appendix E
Multi-Family Housing

Multi-family housing, which is defined to include existing apartments, townhomes, and condominiums, shall be subject to the following additional provisions:

- (1) All external modifications of existing multi-family housing units shall be subject to the provisions of this code.
- (2) The board of zoning appeals shall have exclusive jurisdiction and authority to grant a conditional use permit for the external modification of multi-family housing, including all accessory buildings, structures, parking areas, walkways, entrances, exits and driveways. The board shall authorize such a permit only if it is the finding of the board that such proposed use and/or buildings will not impair an adequate supply of light and air to adjacent property, materially increase the congestion of public streets, increase the public danger by reason of fire, impair the public safety, impair the public health by creating a smoke nuisance, materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, and welfare of the community.
- (3) The board of zoning appeals may require, in addition to the specific requirements of the applicable ordinances, as a condition for the approval of a permit, such provisions and safeguards as will preserve the integrity and character of the city, and will prevent the proposed use from imposing any undue financial burden upon the City.
- (4) Where application is made for a permit for external additions, alterations or changes to an existing multi-family structure, such application shall be accompanied by a site plan drawn to scale showing the actual dimensions of the parcel of land to be built upon or used, the size of the building to be erected or converted, the position of the proposed or existing building upon the lot, the position of any future contemplated or projected buildings to constitute a part of said multi-family structure, the position and dimensions of any existing and proposed parking area, and other information as may be deemed necessary by the planning director, or by the board of zoning appeals, for consideration of the application. Such application, together with the supporting documents and information furnished by the applicant, shall be filed with the planning director who shall transmit the same for consideration to the board of zoning appeals.
- (5) Nothing in this appendix or the adoption of this appendix shall be read to authorize the construction of any new or additional multifamily structures within the City.

Appendix F
Communication Facilities.

Communication Facilities are subject to the following provisions:

- (1) At the discretion of the board of zoning appeals, an applicant seeking permission to install a communication facility may be required to submit:
 - (a) Proof that the communication facility does not present a safety hazard with compliance of the Telecommunications Act of 1996, as amended; and
 - (b) Proof that there is a "gap in service" that requires that the applicant submit proof that there are no feasible commercial sites beyond the city limits of the City of Belle Meade.
- (2) It is the intent of the commissioners that this section be interpreted in connection with, and not in violation of, the Telecommunications Act of 1996.
- (3) Construction of a communication tower. Before the construction of any communication tower shall commence:
 - (a) The property owner shall file for review and approval all technical exhibits required by the planning director. A duly licensed engineer possessing valid registration to practice professionally in the State of Tennessee must provide the City with a statement in writing demonstrating and certifying that the communication tower is no higher than absolutely necessary to provide services and coverage to the public from the specific location on the lot.
 - (b) If the planning director determines that a review of the engineer's report on the siting of the communication tower is warranted, then the City may employ, at applicant's expense, an additional duly licensed engineer to review applicant's engineer's report and advise the board of zoning appeals thereon.
 - (c) Any communication tower must be located upon the property in such a manner that in the event of collapse the entire tower or antenna shall fall within the property boundaries. The applicant shall furnish a report from a duly licensed engineer verifying compliance with this requirement.
 - (d) A duly licensed engineer possessing valid registration to practice professionally in the State of Tennessee must verify the safety of the communication tower itself.
 - (e) The communication tower shall be located at a minimum of one hundred fifty feet (150') from all property lines, provided, however, that the board of zoning appeals may approve a reduction in this setback requirement for co-location of antennas or other transmitting devices of communication facilities on existing towers, structures, or replacement poles which otherwise meet the safety requirements of this section.
 - (f) All buildings constructed in connection with the communication tower must be harmonious with the surrounding landscape by using natural tones, surfaces, and screening shall be required in all yard areas. Such screening may consist of existing vegetation and landscape features or a combination of new plant materials, berms, and fencing. Screening shall be of solid materials, attractively constructed, and permanently maintained not less than eight feet (8') in height and shall be of plant materials as will provide a permanent evergreen screen. Trees shall be a minimum of six feet (6') in

height when planted and shall be located in a minimum of two (2) rows with the plants staggered and spaced ten feet (10') apart. All landscaping and screening requirements shall be set forth on the conditional use site plan.

- (g) A qualified biologist or wildlife expert shall provide the City with an environmental study demonstrating that the communication tower will not be harmful to birds or other wildlife.
- (h) The applicant shall comply with all other provisions of the Zoning Code and such conditions as the board of zoning appeals might impose upon the placement, construction, and modification of such wireless facilities.
- (i) No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the board of zoning appeals that no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed communication tower. An applicant shall submit information requested by the board of zoning appeals related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure, or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - (i) No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements;
 - (ii) Existing towers or structures are of insufficient height to meet applicant's engineering requirements or they have insufficient structural strength to support the applicant's proposed antenna and related equipment;
 - (iii) The applicant's proposed communication tower or antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
 - (iv) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable (costs exceeding new tower development costs are presumed to be unreasonable);
 - (v) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and/or
 - (vi) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new communication tower development shall not be presumed to render the technology unsuitable.
- (j) An applicant for a communication tower shall provide an inventory of existing communication towers or other sites approved for communication facilities that are within the city, and towers outside of the city that serve areas within the city, as well as within the coverage area of the proposed communication tower, whether within the city or outside its jurisdiction,

including specific information about the design, height, and location of each tower. The board of zoning appeals may share this information, provided that the board of zoning appeals is not, by sharing such information, in any way representing or warranting that these sites are available or suitable for communication tower construction.

- (k) In the event the application is for a co-location of an additional antenna upon an existing tower previously approved by the board of zoning appeals, then the applicant shall comply with the notice and other provisions of the Zoning Code. The application shall include a certification as to the safety that the actual loading (antennas, mounts, lines, and appurtenances) will not compromise the design loading requirements approved at the initial installation of the tower. The applicant shall not be required to pay any additional co-location fee or cost reimbursements for these submissions, but prior to construction shall provide such investigation and expert advice as the building official (planning director?) might require in their discretion, to be paid for by the applicant.
- (4) Communication towers generally. In the event any communication tower is no longer used to provide services for which it has been constructed for a period of six (6) consecutive months, the communication tower shall be dismantled and removed from the property. The City, acting through the board of zoning appeals, may require a bond to ensure compliance with this provision. Communications towers are to be built and maintained so as to make the antenna and related equipment as visually unobtrusive as possible. Communication towers shall be subject to all other provisions of the Zoning Code and to such other conditions as the board of zoning appeals might impose upon the placement, construction, and modification of such wireless facilities.

Appendix G
Zoning Map (by reference)

