

ORDINANCE NO. 352

AN ORDINANCE AMENDING ORDINANCE NUMBER 179,  
KNOWN AS THE ZONING ORDINANCE OF THE TOWN OF ASHLAND CITY,  
TENNESSEE BY ADDING ARTICLE IV, SECTION 260

WHEREAS, the ASHLAND CITY Municipal-Regional Planning Commission has recommended that the Zoning Ordinance of ASHLAND CITY be amended as herein provided, and

WHEREAS, the Mayor and Council has given due consideration to said recommendation and has conducted a Public Hearing as required by law, now,

BE IT ORDAINED BY THE BOARD OF MAYOR AND COUNCIL OF ASHLAND CITY, TENNESSEE THAT ORDINANCE NUMBER 179 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

4.260 Minimum Standards for Land Disturbing Activities

4.260.1 Purpose

The purpose of this article is to establish procedures and standards to evaluate and regulate the effect a proposed development will have on fill, stormwater runoff, soil erosion, and channel erosion from such developments and surrounding areas, and to require, if necessary, that certain proposed developments be provided with adequate preparation, stormwater retention and detention.

The land disturbing, stormwater retention and detention rules of this article shall apply to any proposed development of land where a building permit is required.

The regulations of this article are supplemental to any other law that pertains to the development of land including buildings, structures, parking lots and other similar improvements. If there is a conflict between this article and any other law, the more stringent requirement shall apply.

Definitions

- A. BEST MANAGEMENT PRACTICES:** Practices and control measures intended to minimize pollutants from property or facility stormwater runoff and the provision for long term responsibility for management control and of the same.

- B. DETENTION:** The holding of stormwater onsite until the existing drainage system can accommodate the runoff.
- C. DREDGING:** The removal or displacement by any means of soil, sand, gravel, shell or other like material from coastal wetlands, submerged lands, marshlands, or water bottoms.
- D. EXCAVATE:** Dig out, scoop out, hollow out or otherwise make a hole or cavity by removing soil, sand, gravel or other material from any property so as to change the grade of such property.
- E. FILL:** 1. (v) The placing upon or the building up of property with earth, sand, gravel, rock, or other material; 2. (n) The earth, sand, gravel, rock, or other material used for such purpose (as the context may indicate).
- F. RETENTION:** The slowing of stormwater runoff from leaving a site so that flow into the existing drainage system can be maintained at a reasonable level.

#### **4.260.2 Sediment and Erosion Control**

Installation of improvements must be done in such a manner as to provide for the most effective control of erosion and sediment. Developers shall follow the standards and best management practices as outlined in the Tennessee Department of Environment and Conservation (TEDAC) Soil and Erosion Handbok. Practical combinations of the following technical principles must be used.

- A. The smallest practical area of land must be exposed at any one time during development.
- B. All fill material must be compacted to prevent the occurrence of sink holes, erosion and sediment loss from the developed property, and cannot be comprised of construction or demolition materials regulated by TEDAC for disposal in a landfill.
- C. When land is exposed during development, the exposure is to be kept to the shortest practical period of time.
- D. Temporary vegetation and/or mulching must be used to protect critical area exposed during development.
- E. Sediment basins (debris basins, desilting basins, or silt-traps) must be installed and maintained to remove sediment from waters from land undergoing development.
- F. Provisions must be made to effectively accommodate runoff caused by changed soil conditions during and after development.
- G. Permanent final vegetation and structures must be installed as soon as practical in the development.
- H. The development plan must be fitted to the topography and soils so as to create the least possible erosions.
- I. Wherever feasible, natural vegetation must be retained and protected.

#### **4.260.3 Application Review**

The Building Official and/or other designated official shall review every application for a land disturbing permit to which this article applies and evaluate the proposed development to determine whether it will increase stormwater runoff. This determination will be based on the following factors:

- A. Location and size of the development
- B. Slope and soil conditions
- C. Use of fill materials
- D. Existing drainage systems and facilities
- E. Any other considerations which may pertain to the discharge of stormwater from the development site.

#### **4.260.4 Stormwater Runoff**

- A. No owner of any parcel of land, whether with or without a structure thereupon, shall permit the erosion or escape of soil, sand, gravel or similar material from said parcel onto any public street or into any drainage channel that receives stormwater runoff from said parcel as to harm said public street or drainage channel.
- B. In the development of any site, including single-family houses and duplexes, the developer shall not construct the development so as to cause the discharge of stormwater runoff into either a newly constructed or existing drainage channel receiving runoff from the site in such a manner as to cause erosion of such channel.

#### **4.260.5 Inspection of Development**

The Building Official and/or other designated official shall inspect each development once the site plan is approved and a building permit issued. A failure to construct the development in accordance with the approved site plan, or in violation of any of this article, shall result in a revocation of the building permit and the refusal to issue a certificate of occupancy.

#### **4.260.6 Permit**

- A. It shall be unlawful for any person to fill or excavate a parcel of land if the grade or elevation of such parcel will be changed enough to result in an increase or decrease in the volume or rate of surface water flow from or onto the land of another unless such person shall have first obtained a permit issued in accordance with this article.
- B. It shall be unlawful for any person to alter or relocate any ditch, canal, drain or watercourse which drains or affects the drainage of land other than that of said person without having first obtained a permit issued under this article.
- C. Filling or excavating in the minimum amount required for the preparation of the foundation for a building or structure shall not require a permit under this article; nevertheless, any other permit or permits required by this ordinance or other laws of the City shall be obtained before beginning foundation preparation.
- D. Fill material shall not consist of construction/demolition debris as defined in 7 (d) 1 or customarily disposed in landfills regulated by the Tennessee Department of Environment and Conservation as defined in 7 (d) 2, including:
- E. "Construction/demolition wastes" means wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete

and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material.

F. TEDAC Classification of Disposal Facilities SOLID WASTE PROCESSING AND DISPOSAL CHAPTER 1200-1-7 (Rule 1200-1-7-.01, August, 2006 (Revised))

1. Class I Disposal Facility refers to a sanitary landfill which serves a municipal, institutional, and/or rural population and is used or to be used for disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.
2. Class II Disposal Facility refers to a landfill which receives waste which is generated by one or more industrial or manufacturing plants and is used or to be used for the disposal of solid waste generated by such plants, which may include industrial wastes, commercial wastes, institutional wastes, farming wastes, bulky wastes, landscaping and land clearing wastes, construction/demolition wastes, and shredded automotive tires. Additionally a Class II disposal facility may also serve as a mono fill for ash disposal from the incineration of municipal solid waste.
3. Class III Disposal Facility refers to a landfill which is used or to be used for the disposal of farming wastes, landscaping and land clearing wastes, demolition/construction waste, shredded automotive tires, and/or certain wastes having similar characteristics and approved in writing by the Department.
4. Class IV Disposal Facility refers to a landfill which is used or to be used for the disposal of demolition/construction wastes, shredded automotive tires, and certain wastes having similar characteristics and approved in writing by the Department.

**4.260.7 Application Required**

- A. A person seeking a permit required by this article shall file a written application and site plan thereof with the Building Official and/or other designated official.
- B. Required Information: The application shall contain:
  1. Name and address of the applicant.
  2. A legal description of the parcel of land to be filled or excavated or upon which the ditch, canal, drain or watercourse to be altered or relocated is situated.
  3. If required by the Building Official and/or other designated official, a topographical map of the land to be filled or excavated or of the ditch, canal, drain or watercourse to be altered or relocated and the surrounding area for such distance as the Building Official and/or other designated official may direct.
  4. A description of the work to be done.

5. A description of the fill material, if any, to be used.
6. The estimated time needed for completion of the work.
7. Any other relevant information as may be reasonably required by the Building Official and/or other designated official.
8. Construction Site Runoff Controls Checklist (if applicable to permit request).

#### **4.260.8 Maintenance of Facilities and Grant of Easements**

##### **A. Maintenance of Facilities**

1. All improvements, including post construction best management practices and landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of the improvements. Responsibility and maintenance of these improvements shall follow the Ownership of the property.
2. Each property owner shall be liable, within the contents of his deed, for the maintenance of the improvements. A special note to this effect shall appear on any final plat of subdivision.
3. When problems arise due to inadequate maintenance, the City Inspector may inspect the improvements and compel the correction of the problem by written notice. If it is impracticable for the property owner to make the correction, the property owner may contract with the City for the correction of the problem if such service is available, provided the City is adequately reimbursed.

##### **B. Grant of Easement**

As a condition of issuing the permit, if required for the protection of the public or other landowners, the Board may require the applicant to:

1. Grant the City a drainage easement or easements across the land involved in the permit application and any adjacent land owned by the applicant; and,
2. Construct and maintain such drainage ditch or ditches as may be necessary. A Certificate of Post Construction Best Management Practice Perpetual Responsibility and Maintenance must be provided in order to obtain a Certificate of Occupancy.

EXHIBIT A

TOWN OF ASHLAND CITY PLANNING DEPARTMENT  
CONSTRUCTION SITE RUNOFF CONTROLS CHECKLIST

This checklist is to be filled out before construction begins for all developments which anticipate land disturbance during construction. The checklist shall accompany the Building Permit Application. The purpose of the checklist is to monitor compliance with the Town of Ashland City Zoning Ordinance, Stormwater Regulations of the Environmental Protection Agency and the Stormwater Regulations of the TENNESSEE Department of Environment and Conservation.

1. What is the land area disturbed by the construction of this project? \_\_\_\_\_ acres
2. Is the land area greater than one (1) acre? \_\_\_\_\_ yes \_\_\_\_\_ no
3. If the land area is greater than one (1) acre, has compliance with the requirements of the Tennessee Department of Environment and Conservation (TEDAC) and/or the United States Environmental Protection Agency been attained?  
\_\_\_\_\_ yes \_\_\_\_\_ no
4. Provide a complete site plan meeting the regulations for Ashland City.

**SECTION II. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of ASHLAND CITY, Tennessee, the most restrictive shall in all cases apply.

**Section B. Validity**

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

**Section C. Effective Date**

This Ordinance shall become effective 20 days on or after its final passage, in accordance with the Charter of ASHLAND CITY, Tennessee, the public welfare demanding it.

Approved and adopted by the Mayor and Council of Ashland City, TN, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

  
\_\_\_\_\_  
Gary Norwood, Mayor of ASHLAND CITY, Tennessee

Attest:

  
\_\_\_\_\_  
Phyllis Schaeffer, City Recorder ASHLAND CITY, Tennessee

1st Reading 10-14-08  
Public Hearing 11-10-08  
2nd Reading 11-10-08