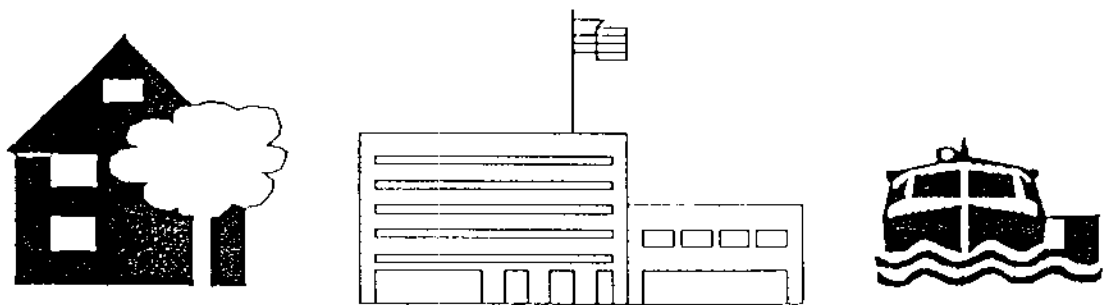


Tellico Reservoir Development Agency

Development Standards For The Tellico Project



I. GENERAL PURPOSE

A. Purpose

The purpose of these development standards is to promote the public health, safety, convenience, and general welfare; to ensure development based upon all applicable environmental requirements and sound land use practices; and to foster the orderly development of the Tellico Reservoir project through the proper development, maintenance, management, and sale of land. (1.010)

B. Authority

These development standards are promulgated pursuant to the authority of the Tellico Reservoir Development Agency Act of 1982 and Contract No. TV-60000A between the Tennessee Valley Authority (TVA) and The Tellico Reservoir Development Agency (TRDA). (1.020)

C. Applicability

It is TRDA's intention that these standards shall be applicable to all industrial development which occurs on the transferred land. For tracts greater than 20 acres, however, TRDA and TVA may mutually grant deviations requested by the purchaser.

II. USES - INDUSTRIAL DEVELOPMENT DISTRICT (2.060)

A. Uses Permitted

In the industrial development district, the following uses are permitted:

1. Principal Uses

- a. Manufacturing, assembling, and warehousing for distribution purposes.
- b. Transportation, utility, and service facilities may be permitted subject to the review and approval of the Tellico Project Design Review Committee (COMMITTEE).
- c. Utility facilities necessary for the provision of public services.
- d. Other industrial uses not listed above, including all

industrial development on tracts of more than 20 acres, will be subject to TVA's prior review and approval.

2. Accessory Uses. (3.070) In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted.
 - a. Retail sale of products manufactured or handled at wholesale by the owner or lessee.
 - b. Recreation and training facilities providing service to the users of the property.
 - c. Retail sale of food, beverage, and other such convenience items to persons employed on the property, as long as these items are not offered for sale to the general public.
 - d. Temporary structures.

B. Uses Prohibited

In the industrial development district, the following uses are expressly prohibited:

1. Temporary or permanent residential use.
2. Retail sale of products not manufactured or handled at wholesale by the owner or lessee.
3. Wreck, junk, or salvage yards and similar activities.

C. Temporary Uses

Applications for a Temporary Land Use permit shall be made to TRDA when the proposed use is seasonal or nonpermanent in nature. The application shall contain a description of the property to be utilized, a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses:

1. A Temporary Use Permit may be issued for a temporary real estate office of security building which has been approved by TRDA or for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall be valid for one year and may be renewed

for six-month extensions. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

2. Temporary Use Permits may be provided by TRDA for whatever use is deemed appropriate by TRDA. These permits shall be valid for not more than 30 days.

III. LOTS (4.170)

A. Size

Shall have a minimum size of three acres and a minimum width at the front building setback line of 300 feet.

B. Access

1. Lot must abut a public street. No building shall be erected on a lot which does not abut a least one publicly approved and accepted street. (3.030)
2. Lots abutting upon a railroad lead track easement or right of way shall reserve a sufficient space to permit construction of a side track approximately parallel to the railroad easement or right of way.
3. Where easements or right of way have been granted to CSX Transportation, no structures shall be constructed on said easement or right of way or any part thereof except with written consent of TRDA, TVA, and the railroad.

C. Site Coverage

Buildings and accessory shall not cover more than 50 percent of the lot; and building, accessory facilities, parking, and materials handling and transfer facilities shall not cover more than 80 percent of the lot. No building or accessory facilities above ground shall extend beyond the building setback line(s) into the setback area.

D. Setbacks

The minimum distance structures shall be set back from the right of way line of streets or lot lines is:

1. Principal streets - 100 feet.

2. Secondary streets - 75 feet.
3. Side and rear setback requirements - 50 feet, provided if more than one lot shall be owned by one person or entity and in the improvement of such lot a building shall be erected on more than one lot, then the side setback requirement on the interior lot line or lot lines shall be waived. Provided, further, that if a part of a lot shall be sold before the approved principal building is erected, the line between the part sold and the part retained shall be the lot line to which the setback requirement shall apply.

E. Intersections

Obstruction to vision at street intersection is prohibited. On a corner lot in any land use district, within the area formed by the centerlines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of 75 feet from their intersection, there shall be no obstruction to vision between the height of 3 1/2 feet and a height of 10 feet above the average grade of each street at the center line thereof. The requirements of this section shall no be construed to prohibit any necessary retaining wall. (3.050)

F. Combination or subdivision of lots

1. Reductions in lot area is prohibited. No lot even though it may consist of one or more adjacent lots of record, shall be reduced in area so that, lot area, lot width, building area, or other requirements of these development standards are not maintained. (3.040)
2. Contiguous lots held in common ownership and designated for the same land use for the purpose of these standards be treated as one entire lot; provided that the owner thereof shall file the TRDA a written statement declaring its intention to treat such contiguous lots as one lot, and any severance of ownership of such contiguous lots shall thereafter be subject to the provisions of these development standards.
3. No lot shall be subdivided without the approval of the COMMITTEE. In the event that any such subdivision is approved and a portion of a lot or two or more contiguous lots is severed in ownerships from the remainder of such lot or contiguous lots, such portion so severed, and the remaining portion of such lot or contiguous lots, shall each thereafter be treated for all purposes hereunder as

separate lots.

4. No improvements may be placed or altered on any newly formed lots unless and until requirements of Section 4.170 F shall have been complied with, and plans and specifications shall have been approved by the COMMITTEE. The COMMITTEE may withhold such approval if, in its sole discretion, it determines that any standard contained herein shall have been violated.
5. The combination or subdivision of leased lots for the purposes of subleasing or renting by lessee shall not be permitted.

IV. EASEMENTS AND RIGHTS OF WAY

A. Reservation

1. Nonexclusive easements and rights of way are hereby expressly reserved for TRDA, its successors, and assigns in, on, over, and under (a) those areas on each lot with respect to which easements are shown on the recorded plat relating thereto; or (b) if no easements are shown on any such plat, to a strip of land within lot lines of each lot 20 feet in width on each side of the lot (not adjacent to a street), each said distance being measured in each case from the lot line toward the center of the lot.
2. Owners of lessees shall grant additional easements for future railroad tracks and sidings, gas, water, sewerage, telephone, entrance and access road, and electrical lines and execute any and all instruments necessary and reasonable for further development for the property; provided that no such area or easement shall interfere with any building planned for, or constructed on, the said real estate by the owner or lessee.

B. Use

1. Easements and rights of way are reserved for the following purposes:
 - a. For the erection, installation, construction, and maintenance of (1) poles, wires, lines, and conduits, and the necessary or proper attachments in connection with the transmission of electricity, telephone, community antenna television cables, and other utilities and similar facilities; and (2) storm water drains, land drains, public and private sewers,

pipelines for supplying gas, water, and heat, and for any other public or quasi-public utility facility or function.

- b. For slope control purposes, including the right to grade and plant slopes and prevent the doing of any activity which might interfere with slope ratios approved for the property or which might create erosion or sliding problems or change, obstruct, or retard drainage flow.
- c. For public pathways and open space corridors.
- d. For roads, streets, highways, and railroads.

C. Access

- 1. TRDA and its respective agents, successors, and assigns shall have the right to enter upon all parts of the easement area of such lot for any of the purposes for which said easement and rights of way are reserved.
- 2. TRDA shall also have the right at the time of, or after, grading any street or any part thereof, to enter upon any abutting lot and grade the portion of such lot adjacent to such street.

V. FACILITIES

A. Buildings

- 1. Only one principal building and its customary accessory building may be erected on any lot. (3.020)
- 2. All buildings shall be limited to a height of 55 feet above finished grade, measured from the elevation of the finished lot grade at the front of the building to the roof line; provided, however, that towers, tanks, fire or parapet walls, skylights, communication masts, flagpoles, chimneys, penthouses for elevator equipment, stairways, ventilating fans, or similar equipment or similar structures may exceed this height.
- 3. Any industrial or accessory building shall be of masonry, concrete, or pre-engineered steel construction or its equivalent or better. Wooden frame construction is prohibited. The exterior of the front wall and the side walls shall be attractively finished and approved prior to construction by the COMMITTEE. Buildings located on

corner lots must comply with this requirement on two sides. Simulated brick, brick or unnatural tones, and asbestos siding are prohibited. The exterior finish of the remainder of the side walls shall be common brick, concrete, concrete blocks, tile bricks, or enamel metal siding, their equivalent, or better. When the side or rear walls are constructed on concrete or concrete block, unless the exterior finish is stucco, unite, or their equal, the joints shall be rubbed down and covered sufficiently with standards waterproofing paint. All other types of construction and use of materials not covered in the above shall be subject to and have the approval of the COMMITTEE.

B. Utilities

No outside pipe, conduit, cable, line, or the like for water, gas sewage, drainage, or steam service shall be installed or maintained upon any lot above the surface of the ground, except for hoses and movable pipes used for irrigation or other purposes if approved by the COMMITTEE. All auxiliary machinery, equipment, or facilities used on any lot in connection with any such energies or services shall be located upon any lot only in such manner and upon such conditions as may be approved by the COMMITTEE.

C. Parking

1. For each building constructed, there shall be provided and constructed paved parking areas so as to provide dust-free, all-weather surfaces according to plans approved as specified herein and maintained thereafter in good condition. Each parking area shall be served by adequate driveways and space for the movement of vehicles to a street. The parking area shall be lined (striped) to identify individual spaces, which shall be no less than 200 square feet in size (10 feet x 20 feet). Such parking shall be attractively landscaped by approved landscaping techniques and approved by the COMMITTEE.
2. Off street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. Manufacturing, industrial or wholesaling use not less than one space for each five employees anticipated during maximum production for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one parking space for each 500 square feet of floor area devoted to retail sales. All areas devoted to off street parking shall be so designed and be of such size that no

vehicle is required to back into a public street to obtain egress.

3. No parking areas shall be located on, and no parking shall be permitted within 75 feet of the right of way of a principal street, within 25 feet of the right of way of a secondary street, or within 15 feet of nonstreet lot lines.
4. The number and the specific location of parking spaces required for each lot shall be as designated in plans submitted for each lot and approved in the manner described in this section.
5. Parking shall be partially screened from all streets in a manner approved by the COMMITTEE.
6. If the off street parking space required by these standards cannot be reasonably provided on the same lot on which the principal use is located, such remote parking space may be provided on any land within 200 feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting these standards, has been made for principal use. (4.200)
7. Each development proposal submitted to TRDA shall include information as to the location and dimensions of off street parking spaces and the mean of ingress and egress for such spaces. This information shall be insufficient detail to determine whether or not the standards of this section are met. (4.200)

D. Streets and Access Control

Streets and roads shall be designed in accordance with acceptable engineering practice and specifications and standards of AASHTO and constructed in accordance with TDOT Standard Specifications for Bridges and Highways. (3.100)

1. A point of access for vehicles onto a street shall not exceed 30 feet in width. All points of access shall be so constructed as to provide for proper and adequate drainage to eliminate pools of water. (3.060)
2. There shall be no more than two points of access to any one public street for each 400 feet of lot frontage or fraction thereof; provided, however, that lots less than 100 feet in width shall have no more than one point of access to any one public street. (3.060)

3. No point of access shall be allowed within 20 feet of the right of way line of any public intersection. (3.060)
4. No curbs on county streets or rights of way shall be cut or altered without written approval of appropriate government authority. (3.060)
5. Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than 25 feet. (3.060)
6. Cases requiring variances relative to the above provisions due to topographic limitations shall be considered; provided, however, that no curb cuts for off street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (3.060)

E. Loading Areas

1. All provisions for vehicle loading shall be provided on the lot with no off street vehicle loading permitted.
2. The minimum required spaces shall be based on the total usable floor area of each principal building according to the following:

<u>Total Usable Floor Area For Principal Building</u>	<u>Space Required</u>
0 to 4,999 sq.ft.	One space
5,000 to 9,999 sq.ft.	Two spaces
10,000 to 14,999 sq.ft.	Three spaces
15,000 to 19,999 sq.ft.	Four spaces
Over 20,000 sq.ft.	Four spaces, plus one space for each additional 20,000 sq.ft.

These standards may be reduced or increased in the interest of safety where unusual or special conditions warrant consideration. In addition, TRDA may waive these requirements when the spaces are not needed. (4.020)

3. All unloading and loading facilities, including truck and equipment parking and maneuvering space, shall be constructed entirely within the building set back lines.
4. Vehicle loading shall be confined to the rear and sides of buildings not adjacent to principal streets. Loading areas shall be visually screened from all streets and

thoroughfares in a manner approved by the COMMITTEE.

5. All loading areas shall be paved.

F. Outdoor storage and service operations

Outdoor storage yards and service operations of any kind shall be visually screened from public view and all streets with suitable permanent-type fencing and/or landscaping in a manner approved by the COMMITTEE. No outside storage shall extend above the top of such screening. Said storage and service operations shall be confined to the rear two-thirds of the lot and within the required building setback lines. No fence, masonry wall, or similar fencing shall extend beyond the building setback lines in the setback area.

VI. **SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES (4.100)**

A. Signs Permitted

1. One ground-mounted sign no more than 50 square feet in area per face with no more than two (2) faces and no more than six (6) feet in height is allowed. The name of the industry and, if desired, its logo may be included.
2. For parking areas, entrance and exit signs not exceeding two square feet in area and four feet in height. Such areas may also have not more than one sign not more than four square feet in area identifying or designating the conditions of the use of such parking area.
3. Nonilluminated "For Sale" or "For Rent" signs not exceeding two square feet in area, either affixed to the building or no more than four feet above the ground in height.
4. One sign not more than 12 square feet in area or 6 feet in height giving the names of the contractors, engineers, architects, or other professional consultants during construction of a building.
5. Signs established by, or by order of, any governmental agency.
6. For special events or public interest, one sign not over 12 square feet in area or 6 feet in height located upon the site of the event.

B. Additional Standards

The following general standards shall apply as well as the regulations for signs and outdoor displays in the most current published edition of the Southern Standard Building Code:

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.
2. No sign having flashing, intermittent, or animated illumination shall be permitted.
3. No billboards or portable signs shall be permitted.
4. Signs erected and overhanging any sidewalk must be placed at least eight feet above the sidewalk and may not exceed 200 square inches on one side or have more than two faces.
5. No building walls or roofs shall be used for display of advertising in any district.
6. No sign shall be located so as to block or obscure vehicle or pedestrian sight lines creating dangerous conditions to either.
7. Temporary signs and posters are subject to the following requirements:
 - a. Each sign shall not exceed three square feet in area or extend more than four feet above ground level in height.
 - b. The signs shall not be located closer together than every 500 feet.
 - c. Such signs shall not be nailed to trees, fence posts, or public utility poles and shall not be located in the public right of way.
 - d. All signs advertising events shall be removed within 10 days after the event date.

VII. ENVIRONMENTAL CONTROLS

A. Regulations

No use of the property shall be established, maintained, or permitted or any operation thereon which violates these standards or any regulations of any public body having jurisdiction over such activities. Detailed plans for the management of operations may be required before approval by the COMMITTEE. Unless otherwise stated, all measurements to determine compliance with these controls shall be made at or beyond the boundaries of the lot.

B. Solid Waste

All improvements on any lot shall be kept in a safe, clean, neat, and sanitary condition and shall comply in all respects with all Government health, fire, and police requirements. Each owner or lessee shall remove at its expense any solid waste of any character which may accumulate on said lot. During construction or improvement on any lot, the owner or lessee thereof shall keep the site free of unsightly accumulations of solid waste and construction materials, and trailers, shacks, and the like employed in connection with such construction shall be kept in a neat and orderly manner. The handling, storage, transport, and disposal of solid waste shall comply with regulations promulgated by the Tennessee Department of Public Health.

C. Liquid Waste

All applicable State and Federal water quality standards and permitting requirements will be met for actions affecting property developed, maintained, managed, or sold by TRDA.

1. Provisions, principles, and guidelines outlined in the "TVA Water Quality Management Plan for Tellico Reservoir" will be followed by TRDA in evaluation of water quality matters. Application of these provisions, principles, and guidelines shall be made by TRDA in consultation with TVA on a case-by-case basis.
2. Use of conventional septic tank soil absorption systems shall not be permitted on property developed, maintained, managed, or sold by TRDA. Disposal methods utilizing innovative, alternative TVA-approved on site disposal technology and package treatment plants will be permitted. Use and management of innovative, alternative disposal technology will require case-by case review and approval by TRDA, TVA, and appropriate State Officials.
3. No liquid waste shall be discharged into the public sewerage and treatment system which is dangerous to the public health and safety or is deemed unacceptable by the

manager of any waste treatment plant. Any pretreatment that may be required or the use and disposal of hazardous wastes must be approved by the COMMITTEE. Storm drainage and surface runoff shall be segregated from industrial and sanitary waste. All apparent sources of contamination, such as operating areas, loading or unloading areas, product transfer pump areas, and equipment cleaning and maintenance areas shall not contaminate surface runoff. The volume, quality, and point of discharge of liquid wastes shall comply with regulations promulgated by the Water Quality Control Board of the Tennessee Department of Public Health and as set forth in Section 3.090 of the Development Standards for the Tellico Project.

D. Air Pollution

All applicable State and Federal air quality standards and permitting requirements will be met for affecting property developed, maintained, managed, or sold by TRDA. No operation, or combination of operations, shall emit any solid, liquid, or gaseous matter that is at any point in concentrations or amounts that are noxious, toxic, or corrosive and which will have a tendency to cause injury or damage to property, business, or vegetation. Regulations promulgated by the Air Pollution Control Board of the Tennessee Department of Public Health shall govern air quality.

E. Fire

The manufacture, transportation, utilization, and storage of flammable materials shall be conducted in accordance with accepted standards for safety and fire prevention. Such standards shall include the National Fire Codes and the appropriate standards of the American Petroleum Institute, the Manufacturing Chemists Association, and other organizations in accordance with standards of good practice. No flammable liquids shall be discharged into the public sewerage and treatment system.

F. Explosive Materials

The manufacture of materials or products which decompose by detonation is prohibited (including, but not limited to, all primary, high, and blasting explosives, unstable organic compounds, and strong oxidizing agents in concentrations greater than 35 percent). The utilization of these materials or products in manufacturing processes is permitted only when authorized by TRDA, and no storage is permitted except such accessory storage shall be in accordance with the rules and

regulations governing explosives promulgated by the State of Tennessee and other authorities having jurisdiction.

G. Radioactive Materials

The manufacturing, utilization, storage, and disposal of radioactive material shall comply with the regulations established by the Nuclear Regulatory Commission and other authorities having jurisdiction.

H. Odorous Matter

No operation shall release odorous matter in such quantities as to become a nuisance or source of unreasonable discomfort at any point beyond the lot line.

I. Noise

The following noise standards shall be applicable to the industrial development district: (3.090)

1. Acceptable Industrial Noise Levels (measured at property boundary).

<u>Descriptor</u>	<u>Industrial</u>
Ln	65 dB
Ld	70 dB
Ldn	75 dB
L10	75 dB
L1	80 dB
L0.1	85 dB

2. Three adjustments should be applied to the above levels.

- a. Incremental Change. Complaints tend to increase proportionally to the difference between the baseline community noise level and the new level due to added industrial activity. Where calculated projections or actual measurements indicate a new level which is within the above values but which is more than 6 dB above the original background level, the project should be reevaluated to determine if the noise level can be reduced.

- b. Pure Tones. Pure tones are more annoying than broad-band noises. The levels given above assume broad-band noises. The pure tones are generated, the above levels should be reduced by 5 dB.

c. Noise Quality. Community noise tends to vary in level, particularly during the daytime hours. The less variation, the less annoying the noise is for a given average level. Thus, intermittent noises such as pile drivers, shift sirens, paging whistles, etc., are most likely to cause complaints and should be controlled as much as possible. The most restrictive standards will apply in cases where deed provisions or covenants are in conflict.

3. Noise continuously radiated from any operation shall not cause sound pressure levels greater than those listed in the following table, as adjusted, either at ground level or at a habitable elevation, whichever is more restrictive:

a. Maximum permissible sound-pressure levels at specific points of measurement for noise:

Octave Band in Cycles/Second	Sound Pressure Level in Decibels		
	Zone I	Zone II	Zone III
Below 75	68	74	80
75 - 150	59	67	74
150 - 300	52	59	66
300 - 600	46	52	58
600 - 1,200	42	46	50
1,200 - 2,400	39	42	45
2,400 - 4,800	36	38	40
4,800 - 10,000	33	34	35
Above - 10,000	30	30	30

b. The sound pressure level shall be measured with a sound level meter and an octave analyzer. Sounds of short duration shall be measured with an impact noise analyzer. Instruments shall conform to specifications published by the American Standards Association.

c. Adjustment (in decibels):

Minus 5: (a) Any time between 10 p.m. and 5 a.m., (b) at a property line abutting residential zones, and (c) noise of impulsive or periodic character (hammering, hum, screech, etc.).

Plus 5: At a property line abutting industrial zones.

Plus 5, 10, or 15: If the noise is not smooth and

continuous and source operates less than 20 percent, 5 percent, or 1 percent, respectively of any one hour period.

- d. The sound pressure level shall not exceed the maximum values in each column.

J. Vibration

No operation of any device shall create groundborne, steady-state vibrations discernible without the aid of measuring displacements as follows:

- 1. Maximum permitted steady-state vibration displacements:

Frequency Cycles/Second	Displacement in Inches		
	Zone I	Zone II	Zone III
0 - 10	.0003	.0008	.0020
10 - 20	.0002	.0005	.0010
20 - 30	.0001	.0003	.0006
30 - 40	.0001	.0002	.0004
40 - 50	.0001	.0001	.0003
50 - 60	.0001	.0001	.0002
60 and Over	.0001	.0001	.0001

- 2. Measurements shall be made using measuring devices of a standard approved by the U.S. Bureau of Standards and mutually approved by the industry in question and the measuring authority.

K. Heat, Movement of Air, and Humidity

No operations, or combinations of operations, on any lot shall cause as a result of normal activities any undue or exaggerated effects on the temperature, motion, or humidity of the atmosphere.

L. Glare

Operations or processes producing intense glare shall be performed so that direct or sky-reflected glare is not discernible beyond the lot line. This restriction shall not apply to signs otherwise permitted by these regulations or to floodlighting of the building for aesthetic purposes provided that the intensity and brilliance of such lighting does not annoy adjacent owners or impair the visibility on public thoroughfares.

M. Electromagnetic Radiation and Interference

No operation, or combination of operations, on any lot shall create a source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources. Further, said operations shall not cause abnormal degradation in performance of other electromagnetic radiators or receptors.

N. Animals

No livestock, poultry, or other animals shall be kept on any lot except as required for research and development activities or activities related to the practice of veterinary medicine or the boarding and care of domestic animals; and in no way shall any stable, hutch, barn, coop, or other housing or shelter for animals or for the storage of materials be placed or maintained upon any lot, except as approved by the COMMITTEE.

O. Miscellaneous Noxious or Offensive Activities

No noxious or offensive trade or activity shall be carried on or upon any lot or shall any act be done or condition maintained thereon which may be or become an annoyance or nuisance in the generally accepted definition of that term to persons or property in surrounding areas.

VIII. SITE PREPARATION

A. Practices (3.080)

Any person engaged in any land-disturbing activity, including cutting, filling, borrowing, stockpiling, or other activity where material or ground cover is removed, shall employ such reasonable measures as are needed to protect all public and private property from injury by such activities and to avoid causing by such activities and to avoid causing by such activities any contamination, building up of sedimentation, reduction of drainage capacities, or flooding. Such persons shall conform to the following practices:

1. Identify Critical Areas. On site areas which are subject to sever erosion and off site areas which are especially vulnerable to damage from erosion and/or sedimentation are to be identified and receive special attention.

2. Limit Time of Exposure. All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.
3. Limit Exposure Areas. All land-disturbing activities are to be planned and conducted to minimize the size of the area to be exposed at any one time.
4. Control Upgrade Surface Water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce downgrade erosion and sediment loss during the period of exposure.
5. Control Sedimentation. All land-disturbing activities are to be planned and conducted so as to minimize off site sedimentation damage.

B. Requirements

Any land-disturbing activity conducted on property developed, maintained, managed, or sold by TRDA shall be in accordance with the following requirements:

1. Existing natural vegetation shall be retained to the maximum extent feasible, consistent with the purpose or such activity.
2. No land-disturbing activity shall be permitted in proximity to the 820 msl contour above Tellico Reservoir, the 750 msl contour above Watts Bar Reservoir, or any other watercourse unless a buffer zone is provided along the margin of the watercourse zone is provided along the margin of the watercourse of sufficient width to confine visible siltation or sediment deposit within the 50 feet of the buffer zone nearest the land-disturbing activity provided that this subsection shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under the Tellico Reservoir or natural watercourse requiring separate TVA approval.
3. The angle for graded slopes and hills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 30 working days of completion of any phase of grading, be planted or otherwise provided with a ground cover, devices, or structures sufficient to restrain erosion.
4. Whenever land-disturbing activity is undertaken on a tract

comprising of more than one acre, if more than one contiguous acre is uncovered, a ground cover sufficient to restrain erosion must be planted or otherwise provided within 30 working days on the portion of the tract upon which further active construction is not being undertaken, including the watershed and drainage basin of a functioning sediment control basin.

5. A Vegetative Cover Bond will be required whenever land-disturbing activity is undertaken on a tract comprising more than one acre. The bond shall accompany the erosion and sedimentation control plan and shall be of sufficient amount to ensure that the work items set forth in the plan can be implemented should the developer fail to do so.

C. Erosion Control Plans Required

1. Any site which may have exposed or disturbed more than one acre of earth shall have a valid erosion and sedimentation control plan, approved by the TRDA Executive Director, for that particular site before commencement of work or grading. In the review and approval process the TRDA Executive Director will follow the requirements outlined in "Best Management Practices" of section 208 of the Non-Point Source Water Pollution Act as a guide. The erosion and sedimentation control plan may be submitted as part of the preliminary plat or as part of a separate drainage plan.
2. Prior to commencing any site grading on a tract exceeding one acre, its developer shall give suitable notification to the TRDA Executive Director of the anticipated starting date. If, after such notification, all land-disturbing activity is interrupted for 60 days or more, suitable renotification must be given before said grading work continues.

IX. FLOOD HAZARD REDUCTION

A. Purpose

This section establishes standards for the use of those portions of transferred land located within floodway and flood fringe areas, preventing encroachments which will increase flood heights and thereby protecting persons and property from the dangers of periodic flooding. The standards shall apply to the lands below the elevation of the TVA Structure Profile on the Little Tennessee River and the lands below the elevation of the 100-year flood where the Structure Profile is at a lower

elevation or is not defined.

B. Use of Floodway

In floodway, the following uses may be permitted subject to review and approval of TRDA in accordance with Section 3.110 E of the Development Standards for the Tellico Project.

1. Private and public water use facilities (e.g., fixed or floating boat docks, fixed or floating boathouses, floats, fixed piers, rafts, floating ski jumps and slalom courses, and buoy lines for swimming areas).
2. Commercial recreation boat dock and water use facilities (e.g., docks, fixed piers, floats, fixed or floating boat slips, fixed or water-related dock buildings but not including habitable structures, fuel-handling facilities, floodproof buildings for dry boat storage, and minor dredging for boat channels and harbors).
3. Picnic tables, beaches, grills, and fences.
4. Underground, overhead, or anchored utility and related lines and support structures (e.g., cable TV, electric, pipeline, sewer, telephone, and water).
5. Water intake structures.
6. Outfalls.
7. Mooring and loading facilities for barge terminals.
8. Agricultural use.
9. Minor grading and fills (e.g., slopes for boat launching ramps, public highways, railroad crossings, pedestrian walkways and crossings, private driveways, retaining walls and riprap for bank stabilization, and parking lots).
10. Bridges and culverts for pedestrian, highway, and railroad crossings.

C. Uses Prohibited

In floodway, all uses, except those uses or their accessory use permitted by TRDA, are prohibited. All dwelling units are specifically prohibited in floodway.

D. Use of Flood Fringe Areas

In flood fringe areas the following uses are permitted:

1. No building or structure shall be erected, and no existing building or structure shall be extended or moved, unless the main floor of said building or structure is placed at least one foot above the elevation of the TVA Structure Profile on the Tellico Reservoir or the 100-year flood, as appropriate. No basement floor shall be constructed below or at a lower elevation than the main floor.
2. Foundations of all structures shall be designed to withstand flood conditions.
3. Land may be filled within these flood fringe areas provided such fill extends 25 feet beyond the limits of any structures erected thereon.

E. Approval of TRDA

1. No permit shall be issued for the construction of any building or for any use within the floodway or flood fringe areas until TRDA gives its approval in writing for such construction and use. Such construction and/or use may also require approval from TVA pursuant to Section 26a of the TVA Act.
2. Any proposed development or structure above the elevation of the Structure Profile or where the Structure Profile is not defined shall be analyzed by the developer to determine whether it is in the floodway or flood fringe area of the 100-year flood. The developer shall submit its determination to TVA for review. TVA shall submit all proposals meeting TVA's standards to TRDA. Based on the developers analysis, TVA comments, and its own assessment, TRDA shall review each development proposal for which there is no practicable alternative to setting in the flood-plain. In its review, TRDA shall apply the following standards, keeping in mind that the purpose of these regulations is to prevent encroachment into the floodway that will unduly increase floodheights and endanger life and property and to ensure that any development in the remainder of the flood plain is reasonably protected from flood damage.
 - a. All facilities permitted within the floodway or flood fringe areas should be designed and constructed to withstand flooding with minimum damage.
 - b. All development will adhere to the minimum standards of the National Flood Insurance Program published at

44 C.F.R. SS 60.1-60.8 (1981), any future amendments thereto, and Executive Order Nos. 11988 and 11990 and comply with local flood plain management regulations. In accordance with these minimum standards, proposed actions will not significantly increase 100-year flood elevations and will not involve placement of fill or other flow obstructions in the floodway portion of the flood plain unless compensatory adjustments are also included.

- c. Construction and maintenance will be scheduled during dry periods to the extent practicable.
- d. Existing vegetation (ground cover and canopy) will be left in place and undisturbed to the maximum extent practicable.
- e. Best management practices will be used as a minimum to control surface water runoff and erosion. These practices are described in Guidelines for Erosion, and Sediment Control Planning and Implementation (EPA Environmental Protection Technology Series Report No. EPS-R2-015, August 1972). Disturbed areas will be reseeded as soon as possible with species adapted to existing conditions.
- f. Dredge spoil will be disposed or properly in accordance with Local, State, and Federal regulations at an inland site outside identified floodway.
- g. Riprap, as opposed to soil, when permitted by TVA, will be utilized as fill material below the maximum normal pool elevation.
- h. Prior to crossing areas harboring threatened or endangered species, or areas specifically identified as "sensitive," biologists will be contacted and will assist in the determination of mitigative measures necessary to negate or minimize impacts to these areas.
- i. In areas where overhead structures are constructed, stream banks will not be disturbed and equipment will not be driven in streams; selective cutting will be used to remove intruding vegetation; stumps will be left at a height that will encourage resprouting, retain soil, and reduce overland water flow; and no areas will be stripped of vegetation.
- j. The granting of approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by TRDA, TVA, or by

an officer or employee of either of the practicality or safety of any structure of use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result thereto.

F. Compliance With Other Regulations

All development within the floodway and flood fringe areas shall comply with the minimum requirements of the National Flood Insurance Program and Executive Order Nos. 11988 and 11990.

X. ARCHAEOLOGICAL RESOURCES (3.120)

A. Preservation of Archaeological Resources

In order to preserve the archaeological resources of the Tellico Project area, no portions of the transferred land shall be excavated, disturbed, or the physical character thereof altered without the initial concurrence of TVA, which shall not be unreasonably withheld, for the purpose of identifying archaeological or historical resources in or on that land and ensuring that the proposed development plans are compatible with preservation objectives required by applicable laws, regulations, and Executive orders, as determined by TVA.

XI. PLANS AND SPECIFICATIONS (4.170 K.)

A. Submission

No site improvements shall be commenced, erected, placed, moved onto, or permitted to remain on any lot, nor shall existing structure upon any lot be altered in any way which materially changes the exterior appearance thereof, nor shall any new use be commenced on any lot subject to these standards until plans and specifications have been submitted in writing by the owner or lessee to TRDA.

B. Preliminary Design Phase

1. Plans and specifications shall be submitted in duplicate and shall contain such information and shall be in such form as may be required by the COMMITTEE but in any event shall include information described in this section. The submission of plans and specifications to the COMMITTEE

shall be made in two (2) phases, preliminary and final design.

2. Information which shall be furnished during the preliminary design phase shall include a site plan of the lot showing proposed:
 - a. Location and orientation of all structures showing the kind, shape, dimension, height, materials, exterior color scheme, and location with respect to the particular lot.
 - b. Location of driveways, parking lots, loading areas, and easement areas and their relationship to existing and adjacent structures and lots.
 - c. Location for utilities and drainage.
 - d. Grading plan relating existing conditions both on site and on adjacent property to proposed construction.
 - e. Site clearing plan.
 - f. Conceptual landscape plan.
 - g. Description of possible environmental situations which may not comply.

C. Final Design Phase

Information which shall be furnished during the final design phase shall include detailed plans, working drawing, and specifications reflecting the approved preliminary site plan and including:

1. Detailed plans of structures with elevations showing exterior materials and exact finished and colors.
2. Details of site improvements, such as parking lots, loading areas, curbing, walks, fences, and special screening.
3. Detailed grading and drainage plans.
4. Detailed landscape plan indicating size and species of all plantings.
5. Driveways, easements, and rights of way.

6. Location and details for signs and buildings.
7. Detailed plan for ensuring compliance with Environmental Controls as may be requested by the COMMITTEE.

XII. REVIEW PROCESS (4.170)

A. Approval

Upon approval by the COMMITTEE of any plans and specifications, a copy of such plans and specifications, as approved, shall be deposited for permanent record with the county register in the county where the development is to be located as to provide notice to all future purchases that such approvals have been obtained; and a copy of such plans and specifications bearing such approval shall be returned to the applicant. Approvals by the COMMITTEE shall be in writing.

B. Disapproval

1. The COMMITTEE shall have the right to disapprove any plans and specifications submitted hereunder because of the following:
 - a. Failure to comply with any of the standards described herein.
 - b. Failure to include information in such plans and specifications as may have been reasonably requested by the COMMITTEE.
 - c. Objection to the exterior design, appearance or materials of any proposed structure.
 - d. Objection on the ground of incompatibility of any proposed improvements or use with existing improvements or uses upon other lots in the vicinity.
 - e. Objection to the location of any proposed structure upon any lot or with reference to other lots in the vicinity.
 - f. Objection to the grading plan for any lot.
 - g. Objection to the color scheme, finish, proportions, style or architecture, height, bulk, or appropriateness of any proposed structure.
 - h. Objection to the number or size of parking spaces or

to the design or locations of parking areas proposed for any lot.

- i. Any other matter which, in judgment of the COMMITTEE, would render the proposed improvements or use inharmonious with the general plan of improvement of the property located upon other lots or other properties in the vicinity.
2. Where the COMMITTEE shall disapprove any plans and specifications submitted hereunder or shall approve the same only as modified or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement of the grounds upon which such action was based. In any case, the COMMITTEE shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable proposal can be prepared and submitted for approval.

C. Rules and Regulations - Time for Approval

1. The COMMITTEE may promulgate rules, standards, or guidelines governing the form and content of plans and specifications to be submitted for approval and may issue statements of policy with respect to approval or disapproval of the architectural styles or details or other matters which may be presented for approval. Such rules and such statements of policy may be amended or revoked by the COMMITTEE to approve or disapprove any feature or matter subject to approval or to waive the exercise of the COMMITTEE's discretion as to any such matter.
2. Approval for use on any lot of any plans and specification shall not be deemed a waiver of the COMMITTEE's right, in its discretion, to disapprove such plans or specifications of any of the features or elements included therein if such plans, specifications, features, or elements are subsequently submitted for use on any other lot or lots.
3. Approval of any such plans and specifications relating to any lot, however, shall be final as to that lot; and such approval may not be revoked or rescinded thereafter, provided: (a) the improvements or uses shown or described in such plans and specifications do not violate any specific prohibitions contained in these standards, and (b) that the plans and specification, as approved, and any conditions attached to any such approval have been adhered to and complied with in regard to all improvements and uses on the lot in questions.

4. In the event that the COMMITTEE fails to approve or disapprove any plans and specifications as herein provided within 60 days after receipt, the same shall be deemed to have been approved as submitted; and no further action shall be required to evidence such approval, subject, however, to the standards contained herein.

XIII. IMPLEMENTATION OF PLANS (4.170 L.)

A. Construction Commencement

Construction of an approved principal building shall begin within two (2) years from the date said lots is received by owner or lessee; provided, however, anything in this paragraph to the contrary notwithstanding, TRDA may extend in writing the time in which such construction shall begin.

B. Lease Agreements

1. If, at any expiration of two (2) years from the date of execution of a lease agreement conveying any lot within said property, any lessee or assign has not in good faith complied with paragraph one (1) of this section, with reasonably complete plans to carry through to prompt completion the construction of said building, TRDA shall have the right and option to terminate the lease agreement. A provision to this effect shall be included in all such lease agreements.
2. In the event any lessee shall desire to terminate the lease agreement on all or any part of an unimproved lot within the property, TRDA shall have the right, at its option, to terminate the lease agreement and to refuse any refund to the lessee.

XIV. PERMITS

A. Building (6.020)

No person shall be permitted to commence any excavation, construction of a building, residence, or any other structure on any transferred land until TRDA has issued a Building Permit containing a statement that the plans, specifications, and intended use of such improvement conform in all respects with the provisions of these standards. Application for a Building Permit shall be made in writing to TRDA on forms provided for that purpose. TRDA shall not approve the plans or issue a

Building Permit for any such improvement until the plans and specifications have been inspected in detail and are found to be in conformity with these standards. The application for the Building Permit shall provide sufficient detailed information to permit TRDA's Executive Director and the reviewing third party to determine whether the proposed improvement is in conformance with these standards. No Building Permit shall be issued in less than 10 days of the application being submitted to TRDA unless otherwise approved by TVA. All such permits shall be in addition to any other permits required by applicable law or regulation.

B. Temporary Use Permits (6.030)

Construction or development of any use of a temporary nature shall not be commenced until a permit, accompanied by a fee set by TRDA, has been secured from TRDA. Application for a Temporary Use Permit shall be made in writing to TRDA on forms provided for that purpose.

C. Certificate of Occupancy (6.040)

No land or building or other structure or part thereof shall be used until TRDA shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of these standards. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of TRDA to make a final inspection thereof and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of these standards, or if such certificate is refused, to state the refusal in writing with the cause for such refusal.