

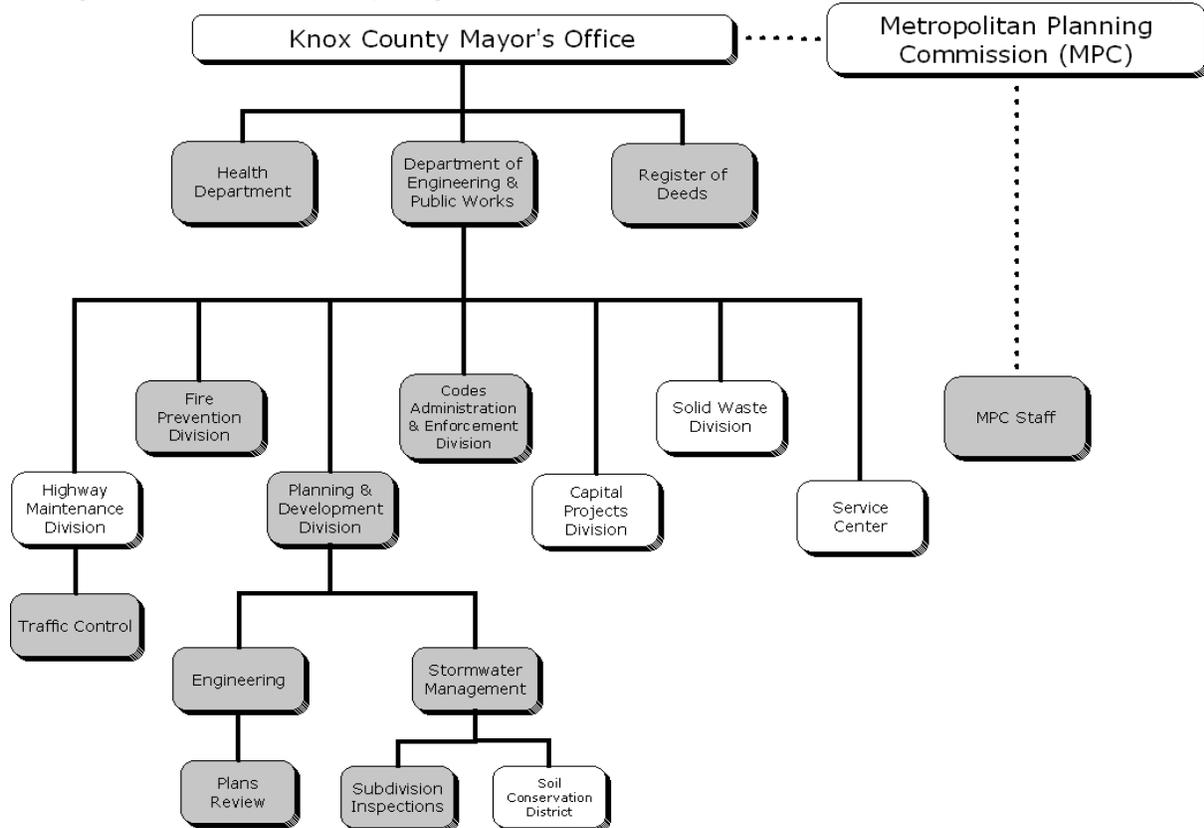
# ADMINISTRATION

This chapter summarizes the division of responsibilities for administering stormwater management activities among public agencies and the general requirements, authorities and procedures for administration of the Knox County Stormwater Management Ordinance.

## 2.1 Organization

An organization chart for the local government and planning entities that are pertinent to property development and stormwater management is presented in Figure 2-1. Shaded boxes indicate the departments, divisions, or agencies that have direct responsibilities with regard to property development regulations and standards.

**Figure 2-1. Knox County Organizational Chart (Development Related Services Only)**



The responsibilities for each division or agency shown in a shaded box on the organization chart are discussed below. A list of addresses and phone numbers for these and other relevant local, state, and federal agencies is presented in Appendix C.

### 2.1.1 Planning and Development Division (Knox County Engineering)

In general, Knox County staff that are located in the Department of Engineering and Public Works Planning and Development Division are housed at one location and interact together on a day-to-day basis with regards to development related services. Further differentiation between the

sections of this division in this manual is not necessary because such divisional separations are likely transparent to developers and property owners that are served by these staff. Therefore, for purposes of this manual, the Planning and Development Division, including all of its subsections, will henceforth be referred to as “*Knox County Engineering*”.

Knox County Engineering manages all activities within Knox County that relate to new development and redevelopment, both residential and non-residential. All plans and reports pertaining to new development, redevelopment, and grading must be reviewed and approved by Knox County Engineering prior to the start of grading and/or construction activities. Further, this division has the overall responsibility for implementation of Knox County’s stormwater management program and enforcement of the Knox County Stormwater Management Ordinance, and the Knox County Stormwater Management Manual. With regards to property development and stormwater management, the responsibilities of Knox County Engineering include:

- Administering and enforcing the Knox County Stormwater Management Ordinance, the Knox County Stormwater Management Manual and other development related codes and regulations;
- Performing engineering reviews of roadway geometry and the stormwater management system for concept plans;
- Performing engineering reviews of stormwater management plans;
- Receiving applications for and issuing grading permits;
- Reviewing preliminary and final plats;
- Reviewing As-Built Certifications;
- Attending any voluntary pre-design conferences and all mandatory pre-construction conferences;
- Reviewing new roads and road closings;
- Performing periodic construction site inspections for compliance with stormwater management plans (including grading and erosion prevention and sediment control), and other development related plans;
- Reviewing development related traffic studies and providing guidance on traffic calming;
- Attending and providing engineering guidance at Metropolitan Planning Commission meetings and County Commission meetings;
- Calculating of performance bonds and executing Performance and Indemnity Agreements;
- Responding to erosion prevention and sediment control complaints;
- Overseeing Knox County’s floodplain management program and its participation in the National Flood Insurance Program (NFIP) and Community Rating System (CRS) program;
- Overseeing Knox County’s water quantity/quality program to ensure compliance with applicable state and Federal NPDES and other water quantity/quality related permits and programs;
- Assisting with regulatory and development issues pertaining to construction in and around floodplains, sinkholes and water quality buffers;
- Stormwater master planning and watershed planning;
- Overseeing municipal drainage improvement designs, streambank restoration initiatives, etc.;
- Participating in local watershed and water quality associations; and,
- Public education with regards to any of the above.

### **2.1.2 Codes Administration and Inspection Division**

Knox County Codes Administration and Inspection Division's mission is to protect the safety, health, welfare, and property of the citizens of Knox County. This is accomplished through administration, public education, and enforcement of regulatory codes. With regards to property development in Knox County, the Codes Administration and Inspection Division is responsible for receiving applications for, and issuing, building permits, and performing inspections of new construction for compliance with local building codes.

The Codes Administration and Inspection Division has prepared a detailed procedures manual to assist developers and property owners with understanding applicable building and construction codes, building permit application procedures, construction site inspections, and final approval processes. The procedures manual is available from the Codes Administration and Inspection Division offices, or can be viewed at the following website: <http://www.knoxcounty.org>.

### **2.1.3 Knox County Health Department**

The Knox County Health Department typically becomes involved in development and redevelopment related issues when septic systems are proposed for wastewater management, and/or when demolition landfills are proposed for disposal of construction-related wastes. For septic system issues, the Health Department will review concept and design plans, and will perform inspections of septic system construction in new development. A negative review by the Health Department on any development related plan is cause for denial of a concept plan or a building permit application.

### **2.1.4 Knox County Register of Deeds**

The Knox County Register of Deeds is a constitutional office established by the State Legislature as the custodian of legal documents pertaining to real property. These documents include Warranty Deeds, Deeds of Trust, Releases, Powers of Attorney, Liens, and other miscellaneous documents designated by state law to be recorded by the Register of Deeds. With regards to new development and redevelopment, the Register of Deeds is responsible for recording deeds, final plats, and Covenants for Permanent Maintenance of Stormwater Facilities and Best Management Practices.

### **2.1.5 Board of Zoning Appeals**

The Knox County Board of Zoning Appeals (BZA) is comprised of a group of nine citizens that are appointed by the County Commission. As authorized in Section 6.60 of the Knox County Zoning Ordinance, the function of the BZA is to hear and decide appeals and variance requests from the requirements of the Knox County Zoning Ordinance and the Knox County Stormwater Management Ordinance. The Board meets monthly for this purpose.

### **2.1.6 Metropolitan Planning Commission**

The Knoxville-Knox County Metropolitan Planning Commission (MPC) is responsible for comprehensive planning and subdivision and development plan review in all of Knox County, excluding the Town of Farragut. With regard to the subdivision and site planning process in Knox County, MPC has the following general responsibilities<sup>1</sup>:

- Maintain and administer the county-wide zoning plan, the Knox County Zoning Ordinance, and the Knoxville-Knox County Minimum Subdivision Regulations;
- Receive and distribute all plans and plats, except design plans, to appropriate administrative and utility agencies for review as to conformance with the individual agency's requirements;
- Review all plans and plats for conformance to the Minimum Subdivision Regulations;

<sup>1</sup> Knoxville-Knox County Minimum Subdivision Regulations, Metropolitan Planning Commission, Amended through August 2004.

- Notify the developer and general public of public hearings on concept plans or final plats;
- Recommend approval, disapproval, or postponement of concept plans or final plats;
- Arrange and conduct all conferences and field trips necessary for investigation of plans and plats submitted to MPC;
- Consolidate the review recommendations and comments of MPC and other agencies for concept plans or final plats, and make recommendations for approval or disapproval to the Planning Commission;
- Consolidate the submission of statements certifying approval of design plans from the appropriate reviewing agencies;
- Certify that approved final plats are ready for recording with the Knox County Register of Deeds.
- Distribute final plats to appropriate administrative and utility agencies; and
- Keep all records of plans and plats, agency review comments and Planning Commission actions.

## 2.2 Permits

Permits and plans that are generally required for most land development activities and are issued by Knox County Engineering include the grading permit, stormwater management plan, and building permit. Other permits and plans that may be required depending upon the characteristics of the development activity include the small lot erosion prevention and sediment control plan, floodplain development permit, buffer enhancement plan, and special pollution abatement permit. Information about the applicability of each plan and permit to development and the application process for permits is found in Chapter 4 of this Volume.

Land development activities may require additional permits administered by state and federal agencies, including but not limited to permits issued by the Tennessee Department of Environment and Conservation (TDEC), the State Fire Marshal, the Tennessee Valley Authority (TVA) and the United States Army Corps of Engineers (USACE). Persons that undertake land development activities are responsible for obtaining all applicable permits.

## 2.3 Appeals and Variances

The Knox County Board of Zoning Appeals shall hear and decide appeals of decisions made by Knox County Engineering, and requests for variances from the requirements of these regulations. Applications for appeals and variances must be submitted to the Knox County Codes Administration & Inspection Division within 30 days of notification of a decision by Knox County Engineering. Application procedures and submittal requirements for appeals and variances are provided in the Codes Administration & Inspection Division Procedures Manual, available from the division office and/or on-line at <http://www.knoxcounty.org>. The criteria for granting variances are presented in Section 6.60 of the Knox County Zoning Ordinance.

## 2.4 Enforcement

### 2.4.1 Notice of Violation

In the event that the Director determines that a violation of any provision of the Knox County Stormwater Ordinance or of this manual has occurred, or that work does not have a required plan or permit, or that work does not comply with an approved plan or permit, the Director may issue a Notice of Violation to the permittee or property owner and/or any other person or entity having responsibility for construction work performed at a site development. Issuance of a Notice of



Violation of the provisions of the Knox County Stormwater Management Ordinance or of the policies required by this manual shall be cause for the issuance of a stop work order, withholding of a permit approval or certificate of occupancy, and/or civil penalties and/or damage assessments.

#### **2.4.2 Civil Penalties and Damage Assessments**

Pursuant to Tennessee Code Annotated § 68-221-11, Knox County has the authority to impose a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of a violation. Damage assessments are determined based on any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation. The Knox County Stormwater Management Ordinance states detailed requirements and authority with regards to civil penalties and damage assessments.

#### **2.4.3 Corrective Measures**

The Director may order corrective actions to erosion prevention and sediment control measures, stormwater management facilities, and/or the stormwater system as are necessary to properly maintain the stormwater systems within Knox County for the purposes of flood prevention, channel protection, water quality treatment and/or public safety. If property owner(s) fails to perform corrective action(s) ordered by the Director, the Director shall have the authority to perform the corrective action utilizing County resources or others. In such cases where a Performance and Indemnity Agreement exists, Knox County shall utilize the performance bond to pay for the costs associated with the corrective action(s). In such cases where a Performance and Indemnity Agreement does not exist, the property owner shall reimburse Knox County for double its direct and related expenses. If the property owner fails to reimburse Knox County, the County is authorized to file a lien for said costs against the property and to enforce the lien by judicial foreclosure proceedings.

An order for corrective action that has been imposed by the Director does not authorize access to private property. Arrangements concerning corrective actions that may impact private property must be settled by the person(s) ordered to perform the actions with the adjoining landowner.



*This page left intentionally blank*