

ORDINANCE NO. 2407

AN ORDINANCE TO AMEND 12-614 OF THE GATLINBURG MUNICIPAL CODE, AND FURTHER BEING AN ORDINANCE TO PLACE ADDITIONAL REQUIREMENTS AND RESTRICTIONS ON EXCAVATION, GRADING, AND SITE CLEARING WITHIN THE CITY OF GATLINBURG, TENNESSEE.

WHEREAS, the City of Gatlinburg, along with other cities and the county, commissioned a study by Saratoga Associates, Inc. to make recommendations with regard to hillside and ridge view matters; and

WHEREAS, the City of Gatlinburg duly created a Hillside and Ridges Task Force for the study and recommendation of changes to implement recommendations made by Saratoga Associates, Inc. to change and improve the manner in which excavation and grading could take place within the City and that said Task Force met and deliberated on numerous occasions; and

WHEREAS, joint workshops took place between the Board of Commissioners, the Gatlinburg Municipal Planning Commission, and the Hillside and Ridges Task Force to direct implementation of ordinances to carry out recommendations from the Task Force and Saratoga Associates, Inc.; and

WHEREAS, the Gatlinburg Municipal Planning Commission has reviewed and recommended to the Board of Commissioners that certain ordinance changes be adopted; and

WHEREAS, implementation of these additional requirements will improve environmental and water quality standards in Gatlinburg as well as improve construction safety and will otherwise be in the best interests of the citizens and residents of the City of Gatlinburg.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF
GATLINBURG, TENNESSEE:

Section 1. Section 12-614(3) of the Gatlinburg Municipal Code is hereby amended by adding an additional sentence following the first sentence of said section to read as follows:

“Grading commencement shall be limited to 15 days prior to the initiation of construction.”

Section 2. Section 12-614(4) of the Gatlinburg Municipal Code is hereby amended by adding an additional sentence at the end of said section as follows:

“Prior to commencement, tree fencing shall be provided around areas to remain undisturbed and no filling or covering of tree root areas above the natural grade will be permitted.”

Section 3. Section 12-614 of the Gatlinburg Municipal Code is hereby amended by adding the following new subsections as follows:

“(5) Grading and benching shall be restricted so that no cut slopes be any steeper than two horizontal to one vertical, except as provided in subsection (6) below. There shall be a 15 foot maximum height for un-terraced slope. Intense landscaping will be required for all terraced slopes. The maximum height for terracing standards and engineered walls shall be 15 feet. The minimum horizontal distance between any two terraced slope or wall sections shall be 5 feet. Retaining walls shall be designed and constructed parallel to pre-disturbed slopes and/or with the property contour rather than across property contour.

(6) Certification by an approved professional shall be required for all slope construction for slopes in excess of two horizontal to one vertical.

(7) A 25 foot buffer from all permanent and intermittent streams will be required with all fill and borrow.

(8) Mass grading is prohibited prior to construction. In addition, a planting schedule for

replanting of all artificial slopes is required with a cashier's check for 100% of all materials and labor costs associated with the replanting activities. Any such amounts shall be deposited into an escrow account. Interest earned, if any, on said account shall accrue to the City to cover its cost of administration.

(9) Roadway (public or private) grades, including common driveways and all other roadways that are components of any development vehicular circulation system, shall not exceed a 15% maximum grade, unless a variance is granted by the Gatlinburg Municipal Planning Commission in accordance with adopted variance procedures. All roadway and street construction shall be done with the natural contour of the property and not across the contour. All grading of roadways shall be done in a manner to limit the area of disturbance to the minimum extent practical.

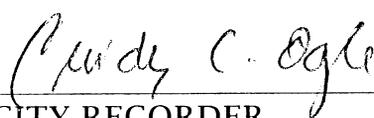
(10) The grading and clearing for pioneer roads shall be limited to no more than 10 feet in width. Grading and clearing for property surveys shall be limited to areas needed to conduct the survey. Grading and clearing for soils testing shall be limited to selective patches with a minimum separation of 100 feet between testing areas. All areas of grading and clearing shall be limited to areas designated by a licensed civil engineer."

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. This ordinance shall take effect fifteen days from and after its passage, the public welfare requiring it.


MAYOR

ATTEST:


CITY RECORDER

Approved by Gatlinburg
Planning Commission 1-29-09

Passed first reading 3-3-09

Passed second reading 4/7/09

APPROVED AS TO FORM:

Ronald E. Sharp
RONALD E. SHARP, CITY ATTORNEY