

ORDINANCE 23-1240

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE AMENDING ZONING ORDINANCE NO. 15-1020 AND SETTING STANDARDS AND REGULATIONS WITH RESPECT TO THE DEVELOPMENT OF STEEP SLOPES TO BE CODIFIED AT TITLE 14 CHAPTER 5 OF THE RED BANK CITY CODE AND ENTITLED MISCELLANEOUS LAND DEVELOPMENT, REDEVELOPMENT AND MAINTENANCE, REGULATIONS, REQUIREMENTS AND OBJECTIVES STEEP SLOPE LAND DEVELOPMENT

WHEREAS, the City Commission, City Administration, and the Red Bank Planning Commission have recognized specific needs to further enhance community livability as the City continues to see property developed and redeveloped; and

WHEREAS, the population density of the City continues to rise through development and redevelopment, it has become increasingly evident there is a need for enacting reasonable land use development and redevelopment standards in areas of a steep slope; and

WHEREAS, the City Commission determines to codify the same in a readable and logical fashion while balancing all relevant concerns and issues with reasonable land usage policies, requirements, and standards for the protection of citizens and individual land owners and of their properties, the same being intended to responsibly promote growth, development, redevelopment, stability, sustainability, and livability in the City.

WHEREAS, the purpose for which this Steep Slope Regulation Ordinance is for the betterment and public welfare of the citizens of the City of Red Bank, Tennessee and to encourage responsible development and stabilization of steep slopes and to discourage development practices that could lead to slope erosion and slope failure as related to development and or redevelopment in areas of steep slope; and

WHEREAS, land areas within the City of Red Bank proposed for development or redevelopment shall comply with the City's Steep Slope Land Development Ordinance when the land area includes a slope of twenty (20%) percent grade or more as reflected on the attached "Steep Slope Area Map" being adopted with this Ordinance

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee that the Steep Slope Land Development Regulations Ordinance entitled Miscellaneous Land Development, Redevelopment, and Maintenance, Regulations; Requirements and Objectives is hereby adopted as follows:

SECTION I

TITLE 14 CHAPTER 5 – Miscellaneous Land Development, Redevelopment, and Maintenance, Regulations; Requirements and Objective, Steep Slope Land Development

Section 14-501. Intent

14-501 Purpose.

To ensure the preservation of the character and the appropriate use of the hillsides, the regulations of this section are established to recognize that the development of land in steep areas involves special considerations and increased development standards.

14-502 Goals and Objectives.

1. To promote public safety by ensuring that development on steep slope areas effectively addresses slope stability issues;
2. To provide greater design flexibility and efficiency in the location of development and infrastructure, including the opportunity to reduce the length and width of roads, utility runs, and the amount of grading and paving;
3. To reduce erosion and sedimentation and to encourage responsible slope development;
4. To preserve, enhance, and in some cases restore the landscape aesthetics of the natural environment;
5. To provide opportunities for developers to minimize impacts on steep slope areas while encouraging responsible slope development;
6. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
7. To provide mechanisms to effectively enforce the requirements of this section.

14-503 **Applicability**

This section shall apply to all proposed land disturbance activity on all land areas which include a slope of twenty percent (20%) or more.

“Land Disturbance Area” shall be defined in terms of a maximum percentage allowed for the disturbance of land surface area within the identified “Steep Slope” portion/area of any such lot(s) and not as a percentage of the entire lot; provided further that the area(s) of any such land disturbance on any such lot need not be contiguous but may be separated and apart from one another.

“Steep Slope” shall be defined as any portion of any lot which the current two (2) foot contour maps compiled and maintained by the Hamilton County Geographical Information Systems Department (HCGIS) topographical maps indicate a slope of twenty (20%) percent or more. Provided, if and to the extent that a site-specific land contour and elevation survey is provided by either a State of Tennessee Licensed Land Surveyor or a State of Tennessee licensed Professional Engineer indicates that any “Steep Slope” area within any lot shall have boundaries that encompass any area(s) which are at variance with the HCGIS generated contour maps, then such survey shall control and take precedence over the HCGIS data.

14-504 Maximum Land Disturbance

Land disturbance of steep slope areas of any individual parcel, or if assembled and recombined for tax or development purposes, of any resulting parcel or parcels shall be limited to the following based on slope:

Slope	Maximum Percent Slope Land Disturbance
20% to 25%	50%
25% to 40%	20%
40% +	10%

Maximum developmental percentages of land disturbance area permitted, based on the slope of only such portion of any such parcel properly identified as a “Steep Slope,” may be increased if supported by a certified and stamped site-specific development site plan(s) of a State of Tennessee Licensed Professional Engineer, to include a Geotechnical Slope Stabilization Plan and if approved in the discretion of the Red Bank Building Official upon consideration of such developer’s submitted licensed engineer stamped and approved site plans and Geotechnical Slope Stabilization Plans and upon consultation with such Engineering sources as the City may elect to retain and consult from time to time.

SECTION II

That every section, sentence, clause, and phrase of this ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not affect or impair any other section, sentence, clause, or phrase.

SECTION III

That this ordinance shall take effect from and after the date of its final passage, subject to the time-limited provisions set forth hereinabove and until such time as the same shall be further modified, superseded, and/or overridden by the City Commission of the City of Red Bank, Tennessee, all being required by the public welfare of the City of Red Bank, Tennessee and shall be forthwith “added” to the printed and electronically preserved and maintained versions of the Red Bank

Zoning Ordinance.

Mayor Hollie Berry (date)

City Recorder Tracey Perry (date)

August 1, 2023
PASSED ON FIRST READING

September 5, 2023
PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

City Attorney Arnold Stulce, Jr.