

**ORDINANCE NO. 320**

**AN ORDINANCE CREATING A CRITICAL SLOPE FLOATING ZONE FOR PITTMAN  
CENTER AND ACCOMPANYING REGULATIONS AND ENHANCING BUILDING  
PERMIT REGULATIONS**

**WHEREAS**, section 13-7-204 of the Tennessee Code Annotated allows municipalities to amend their zoning regulations; and

**WHEREAS**, the Board of Mayor and Alderman has determined it in the public interest to protect critical slopes wherever possible with the increasing demand for development; and

**WHEREAS**, the Pittman Center Planning Commission has forwarded its recommendation to the Board of Mayor and Aldermen regarding the proposed amendment to the *Zoning Ordinance of Pittman Center, Tennessee*;

**NOW, THEREFORE, BE IT ORDAINED** By the Mayor and Board of Aldermen of the Town of Pittman Center, Tennessee:

**Section 1.** Chapter III, minor subsection 11-315 Critical Slope Floating Zone of the *Zoning Ordinance of the Town of Pittman Center, Tennessee* is hereby added:

**11-315. Critical Slope Floating Zone**

The intent of this overlay district is to provide additional standards of design and construction to avoid any undue adverse impacts of hillside development on steep slopes, and to provide protection from uses and activities which would be detrimental to the public's health, safety, and welfare. For the purposes of this ordinance, a critical slope shall be defined as an area consisting of a natural thirty (30) percent slope or greater. The slope of the property shall be determined by a licensed, registered engineer or surveyor by the use of an industry accepted computer aided design software or by the following slope formula:

$$S = (.0023) (I) (L)$$

S=slope: I= contour interval in feet; L= contour length in feet; A=area in acres

**The following provisions shall apply to all developments within the CSFZ, Including PUDs, Commercial, Industrial, and Multi-Family Structures, and Excluding Single Family Homes:**

Parcels with less than 30% average slope as per Section 11-315, and which are no greater than 100 feet in elevation above the adjacent valley corridor as measured from the adjacent Federal, State highway, or County road shall be exempt from Section 11-315 herein.

1. *Development Regulations.*

Note: Lots of record shall submit detailed site plans showing proposed cuts and fills, and driveway and house seat locations. Within the Critical Slope Floating Zone, the development on lots of record shall follow these regulations as closely as possible.

2. *Design Regulations*

- a. Where staff determines it is necessary, cuts and fills shall be pre-designed by a licensed engineer. Serrated cuts are encouraged on slopes greater than 2:1 to promote vegetation. The maximum height of cut/fill slopes shall not exceed 35 feet. However, engineered cut/fill slopes may receive a variance for heights greater than 35 feet if reduced impact to the environment may be shown. Retaining wall construction may be required to stabilize cut or fill slopes. (Variance requests to be heard by The Board of Zoning Appeals).
- b. Disturbance shall not exceed 25% of the development or lot area.
- c. All utilities shall be installed below ground.
- d. Post construction impervious area shall not exceed 15 % of the lot area.
- e. Soils maps and test borings shall identify areas suspected of containing acid rock. These areas should be avoided, and where encountered shall be capped and sealed to prevent percolation.
- f. All development shall provide post construction screening of minimum 75% screened, during leaf-on conditions (May thru October), as viewed from the Federal, State, and County highways, many of which are Scenic Corridors. Properties not screened 75% may utilize mitigation measures found in Appendix B, from Sections 2.5.6 thru 2.5.9 of the Saratoga Report.

3. *Vegetation clearing for preliminary site survey and analysis activities.* The following standards shall apply to the site pre- construction activities such as site surveying, soils testing, and other site analysis activities:
- Path access clearing for site surveying activities shall be limited to a maximum path width of eight (8) feet.
  - Site clearing shall be limited to areas only needed to conduct the survey boundary.

- Site analysis and testing activities shall be limited to selective patches with a minimum of 100 feet separation between patches.
- Clearing activities associated with access paths or pioneer roads to testing sites shall be limited to a maximum width of 8 to 10 feet.
- The removal of vegetation of 12" dbh and greater in diameter and of  $\geq 40'$  in height shall be prohibited during surveying and soils testing activities.

4. *Vegetation Clearing for Construction: Roadway & Utility, Perimeter Buffer Area, and Building Envelope*

- Clearing for roadways, utilities, parking, and related internal traffic circulation areas shall be to the minimum extent possible, to limit land disturbance activities.
- Clearing exceptions for onsite water & wastewater utilities shall be permitted provided said clearing shall be limited to the minimum extent possible as determined by the Building Official.
- It is recommended that the "Fire Wise" construction standards as established by the National Forestry Division be the basis for a perimeter buffer clearing techniques.

5. *Additional Clearing for Construction and Views*

- Additional clearing for safe construction and on-site utilities may be permitted provided a clearing plan prepared by a licensed professional shall be provided that designates additional areas of clearing.
- Clearing for a view from an existing structure may be permitted by an individual landowner(s), with the exception of tree-topping, which is prohibited.

6. *Forestry and Timber Harvesting*

- A vegetation removal permit for all timber harvesting activities shall be required in Critical Slope areas in accordance with Chapter VI, Section 11-603 of the Pittman Center Zoning Ordinance.
- A harvesting and reforestation plan shall be required by a registered architect, landscape architect, and/or engineer.
- Harvested areas shall be restricted from development for 5 years.
- Areas proposed for development on previously harvested sites that do not contain sufficient vegetation to accomplish a minimum of 75% screening, shall include a reforestation or landscaping plan that achieves 75% screening within a reasonable amount of time.

7. *Additional Design and Construction Standards*

The following provisions shall apply for areas of development with existing vegetation which achieves 75% screening:

Setdowns from Ridgelines:

For the purposes of this section, Ridgeline shall be defined as a tree canopy line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.



- Setdowns from Ridgelines - House/structures shall not be permitted to extend above the tree line on a ridge viewable from any adjacent state or local road.
- Ridgeline forest canopies shall remain undisturbed during construction so that the pre and post development conditions do not change.

Set Into Hillside:

- Buildings should be built into or stepped into the hillside and not pushed out, up, and/or away from topography.
- Buildings should not be perched on highpoints, outcroppings, or prominent knolls.
- Structures should be designed and oriented along topography rather than across topography.

Retaining Walls:

- Retaining walls should be designed and constructed parallel to pre-disturbed slopes to the maximum extent practicable;
- Landscaping to the maximum extent practicable should be required;
- Grading with the natural contours of the property is preferred to reduce visual impacts of grading.

Setbacks:

- Setbacks shall be based on zoning district requirements as established in Article VIII, being the Area, Yard, and Height Requirements of this ordinance.

Signage:

- No signage shall be permitted above the existing tree canopy or 25' height limit.

Roads and Driveways:

- All roads and driveways should be constructed with the natural contour of the property and not across the contour.
- The grading of roadways and driveways should be done in a manner to limit the area of disturbance to the minimum extent practicable.

Lighting:

- Required lighting in functional areas should be shielded and downcast at 45 degrees;
- Lighting should be restricted to areas below roof eaves and parapets;
- Landscape and continuous lighting should be restricted to no more than 75 watts;
- Subdivision and Planned Unit Development street lighting should be restricted to intersections only.

Color:

- Colors for building exteriors shall be limited to muted, dark earth tones.
- The use of white on building exteriors shall be avoided.

Buildings & Retaining Walls:

- Uniform and blank massing shall be avoided for buildings and retaining walls

Terrace Retaining Walls and Constructed Slopes:

- All retaining wall surfaces shall be finished with a color and texture, similar to natural surrounding conditions.

Reflectivity:

- Non-mirrored, tinted, and low-reflectivity glass shall be used.

Walls/Rooflines:

- Continuous rooflines in excess of 40 feet in length shall be avoided;
- Smaller roof sections and components shall be used that imitate the natural terrain;
- Major rooflines of structures shall parallel the hillside topography.

8. *Mitigation Measures* – When 75% screening cannot be achieved with existing site vegetation. The following mitigation measures shall be implemented for development located in the CSFZ if the required screening cannot be achieved with existing vegetation and tree coverage.

The applicant may choose one (1) of the following options to mitigate the visual effects of a proposed structure located within the CSFZ:

**Option #1:**

- The applicant shall use dark, earth-tone colors on the exterior of the building including roof colors that will obscure the buildings that are visible from State or County roads. The exterior building and roof colors shall be consistent with the color palette as established by the Town of Pittman Center. All colors must be submitted to the Building and Planning Department for approval as part of the building permit application process which are consistent with a neutral color palette and where the structure and roof colors do not exceed a Light Reflectance Value (LRV) of 40.
- The applicant shall use non-reflective glass and roof systems on the building.
- In addition, it is recommended that new vegetation be planted in areas that will eventually provide screening if the plantings can be done without conflict with "Firewise" recommendations. Note, all planting must be native-like species matching the kinds and density of vegetation that is indigenous to the area and acceptable under the "Firewise" standards.

**Option#2:**

- The applicant shall plant new vegetation that will achieve 75% screening within a two (2) year growth cycle of the initial planting. Note, all planting must be native species matching the kinds and density of vegetation that is indigenous to the area and acceptable under the "Firewise" standards.
- The applicant shall submit a stamped and certified landscape plan by a Tennessee Licensed Landscape Architect showing the proposed location, type, and size of replanting materials accompanied with the visual documentation depicting how the 75% screening will be achieved.

10. *Certification.*

Within 60 days of completed work, developments within the critical slope district shall be certified "as-built" in compliance with the approved design plans and criteria by a licensed engineer or licensed surveyor, whichever is appropriate. The plans shall be "certified" prior to Final Plat approval or Final PUD site plan approval.

**Section 2.** Chapter VI, minor subsection 11-603 Building Permits of the *Zoning Ordinance of the Town of Pittman Center, Tennessee* is hereby amended to add the following (changes in **BOLD**):

**11-603. Building Permits**

1. A building permit shall be required for the following activities when the cost of such activities exceeds \$100 with the exception of routine maintenance items as defined in Chapter 2, Section 11-204.

- a. To commence the excavation for or the construction of any building or other structure;
- b. To commence the moving, alteration, or repair of any structure; or,
- c. To commence any land disturbing activity.

d. **Excavation, grading, site clearing provisions:**

The following provisions shall apply to all developments and properties located within the Town of Pittman Center. These provisions shall be in addition to all other applicable ordinances and codes of the Town of Pittman Center:

(1) Excavation, grading, and site clearing and other land disturbances shall be limited to the areas shown as such on the approved plans. All other areas including the essential root zone, shall remain as undisturbed areas unless otherwise permitted under these provisions. In the event areas outside the boundaries of identified development require disturbance, the applicant shall be required to show reason for the disturbance. The reason shall be submitted in writing to the building official and shall require the certification of the project architect and or engineer.

(2) In the event no development is planned for a parcel of property, the applicant shall be permitted to clear no more than 25 percent of the property within a 5 year period. A site clearing plan shall be submitted to the building official which bears the certification of a registered engineer showing proposed clearing areas and all methods of erosion control and site drainage management in order to stabilize and protect the disturbed area from erosion.

(3) In all instances, areas of disturbance shall be stabilized within seven (7) calendar days of the initial disturbance, by an approved method of erosion/sedimentation



control, and/or ground cover. Grading commencement shall be limited to fifteen (15) days prior to the initiation of construction. In addition, areas of disturbance shall be included in a long range plan for permanent vegetation and shall have the approval of the building official and/or the planning commission through its site development review process.

(4) A protection plan shall be required for all areas adjoining an area of disturbance including any existing areas proposed to be retained on the site as natural vegetated areas, which have been previously shown and approved on the site plan. The protection plan shall indicate the methods by which the natural vegetation will be protected from adjoining areas of disturbance. 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.

(5) Grading and benching shall be restricted so that no cut slopes be any steeper than two (2) horizontal to one (1) vertical, except as provided in subsection (6) below. There shall be a fifteen foot (15') 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 fifteen feet (15'). The minimum horizontal distance between any two (2) terraced slope or wall sections shall be five feet (5'). 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 (2) horizontal to one (1) vertical.

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

(8) Mass grading is prohibited prior to construction.

(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 fifteen percent (15%) maximum grade, unless a variance is granted by the Pittman Center 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 ten feet (10') 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 one hundred feet (100') between testing areas. All areas of grading and clearing shall be limited to areas designated by a licensed civil engineer.

- d. It shall be unlawful to commence activities, for which a building permit is required, until the Building Official has issued for such work a building permit and said permit is prominently displayed at the building site and visible from a public right of way. Application for a building permit shall be made in writing to the Building Official on forms provided for that purpose.

**Section 3.** This ordinance shall take effect following its final passage, the public welfare requiring it.

Certified by the planning commission: February 13, 2023.

Amy M. Milas  
Secretary

Passed on First Reading: February 21, 2023.

Passed on Second Reading: March 16, 2023.

Public Hearing: March 16, 2023.

Jerry M. Moseley  
Mayor

Jammyl Watta Becken  
City Recorder