

1ST READING 3-18-08
2ND READING 3-25-08
INDEX NO. _____

ORDINANCE NO. 12100

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 31, SECTION 31-325, LANDFILLING
REQUIREMENTS IN CERTAIN RESIDENTIAL AREAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 31, Section 31-325, be and
the same is hereby amended by deleting same in its entirety and substituting in lieu thereof the
following:

Sec. 31-325. Landfilling requirements in certain residential areas.

- (a) It shall be unlawful for any person to fill any land in any property which is
within one hundred (100) feet of any R-1 Residential Zone, RT-1
Residential Townhouse Zone, RZ-1 Zero Lot Line Residential Zone, R-
T/Z Residential Townhouse/Zero Lot Line Zone or R-2 Residential Zone
or which is itself zoned in one of these categories without first obtaining a
land disturbing activity permit.

For the purposes of this subsection, the act of filling shall be any site
where raising the elevation shall require seventy-five percent (75%) or
more of the materials used for filling the land to be hauled over surface
roads from non-contiguous parcels of land.

- (b) A land disturbing activity permit for properties zoned in these categories
shall be subject to the following additional restrictions:
- (1) Fill material must be comprised only of suitable materials such as
dirt, bricks, concrete without exposed rebar and/or wire, stones or
similar inert materials; provided that no organic or contaminated
materials are allowed;
 - (2) Maximum height of fill shall be two (2) feet above roads or 100
year flood elevation;

- (3) Fill must not interfere with the free drainage of adjoining properties; any fill placed within five feet of a property line requires submission of a drainage plan;
- (4) All fill placed within any area that may be used for construction of a building under the applicable zone must be properly placed and compacted in accordance with the current building codes adopted by the City of Chattanooga;
- (5) Fill slopes shall be required to adhere to the following:
 - (i) Fill slopes three horizontal to one vertical [3:1 (H:V)] or flatter may be placed no closer than two feet to the adjoining property line and/or easement;
 - (ii) Slopes steeper than 3:1 (H:V) must be designed by a professional soils engineer registered to practice in the State of Tennessee and shall be placed no closer than five feet to the adjoining property line and/or easement;
 - (iii) Where slopes utilize retaining walls, the face of the retaining wall may be placed no closer than one foot to the adjoining property line and/or easement;
 - (iv) Any combination of retaining wall height plus the slope height which exceeds the building code requirements for a non-engineered wall shall be designed by a professional engineer registered to practice in the State of Tennessee; and
 - (v) All retaining walls shall be engineered in accordance with the current building code as adopted by the City of Chattanooga.
- (6) Except where existing stormwater conveyances are adequate for any increase in drainage, appropriately sized on-site retention facilities shall be provided; and
- (7) Filling of the property must be completed, including capping the fill with a minimum of four inches (4") of topsoil and stable perennial vegetation, within one (1) year of the permit issue date, at which time the permit shall become null and void unless a valid extension is granted in writing by the Director of Land Development, or his designee.

- (i) Applications for extension must be made in writing to the Director of Land Development.
 - (ii) The Director of Land Development may consider any history of complaints and the frequency of such complaints relative to the existing permit when determining if an extension is warranted.
 - (iii) The Director of Land Development will be final authority in determining whether to issue an extension.
- (8) For lots with a width or depth greater than five hundred feet (500') the above restriction shall only apply to the area within one hundred fifty feet (150') of the property line.
- (c) Each application for permit, with the required fee therefor, shall be filed with the Stormwater Manager and in addition to the requirements of Section 31-321, shall contain the following information:
- (1) Written approval of the request for a permit from the owners of the property;
 - (2) The character and description of the fill materials to be deposited;
 - (3) The rate at which the fill materials are expected to be deposited on a weekly or monthly basis;
 - (4) Equipment to be used; and
 - (5) The date upon which the applicant desires the permit to be issued.
- (d) The Stormwater Manager may impose conditions upon the issuance of a permit which are reasonably calculated to eliminate excessive noise, scattering of dust or dirt, scattering of materials, to prevent nuisances and to prevent obstruction of public streets or interference with traffic.
- (e) A second land disturbing activity permit application will only be considered in conjunction with a building permit on the property.
- (f) An additional twenty-five dollar (\$25.00) fee shall be charged for any application for a permit to fill property.

- (g) Where any filling work for which a permit is required is started prior to obtaining said permit, the fee herein specified shall be doubled but the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.
- (h) Any person filling property at the time of the enactment of this provision shall to the extent practical comply with all provisions in this section.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall become effective immediately from and after its passage.

PASSED on Second and Final Reading

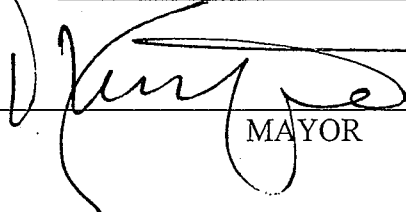
March 25, 2008.



CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: March 31, 2008



MAYOR