

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

Tim Thornbury
City Manager

WORK SESSION AGENDA
March 16, 2021
12:00 pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Secretary – Billy Cannon

- ☐ Commissioner Browder
- ☐ Commissioner Cannon
- ☐ Commissioner Luther

- ☐ Commissioner Millard
- ☐ Commissioner Skonberg

III. Agenda items for the March 18, 2021 regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

- 1. February 18, 2021

B. NEW BUSINESS

- 1. Rental unit regulation discussion
- 2. Any properly presented new business

C. UNFINISHED BUSINESS

- 1. Backyard Chicken Ordinance
- 2. Zoning Ordinance Amendments – Tree and landscaping requirements, Planned Unit Development application, flag lots, clarification of side yard setbacks in the RZ-1 and R-T/Z Residential Zones, buffer requirements for the RZ-1 Zone and dumpster screening requirements
- 3. Steep slope ordinance discussion
- 4. Any properly presented unfinished business

D. OTHER BUSINESS

IV. ADJOURNMENT

Hollie Berry
Mayor

City of Red Bank
Municipal Planning Commission

Tim Thornbury
City Manager

REGULAR MEETING AGENDA

March 18, 2021

6:00 pm

Red Bank Commission Chambers

I. CALL TO ORDER

II. ROLL CALL – Secretary – Billy Cannon

☐ Commissioner Browder

☐ Commissioner Millard

☐ Commissioner Cannon

☐ Commissioner Skonberg

☐ Commissioner Luther

III. INVOCATION – Commissioner Smith

IV. PLEDGE OF ALLEGIANCE – Commissioner Hafley

V. CONSIDERATION OF THE MINUTES

1. February 18, 2021

VI. NEW BUSINESS

1. Rental unit regulation discussion
2. Any properly presented new business

VII. UNFINISHED BUSINESS

1. Backyard Chicken Ordinance
2. Zoning Ordinance Amendments – Tree and landscaping requirements, Planned Unit Development application, flag lots, clarification of side yard setbacks in the RZ-1 and R-T/Z Residential Zones, buffer requirements for the RZ-1 Zone and dumpster screening requirements
3. Steep slope ordinance discussion
4. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT



MUNICIPAL PLANNING COMMISSION

Hollie Berry
Mayor

Tim Thornbury
City Manager

MINUTES
February 18, 2021
6:00 p.m.
Red Bank City Hall

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:00 PM.

II. ROLL CALL

Commissioner Browder called the roll. Commissioners Browder, Cannon, Luther, Millard and Skonberg were in attendance. The Commission's planning advisor from the Southeast Tennessee Development District was also present. No additional attendees were present.

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Browder said the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. November 21, 2019 Meeting Minutes

Commissioner Browder asked for any corrections to the minutes. Having none, Commissioner Millard motioned to approve the minutes as written. Commissioner Luther seconded the motion. The motion passed unanimously.

VI. NEW BUSINESS

1. Final Plat for Downer Estates – 200 Strawberry Lane and Lynda Circle
Staff stated that Strawberry Lane was an existing private drive from many years. She presented a topographical map that showed the steep slope along Lynda Circle. She

stated that the plat met current standards, and that the steep slope ordinance would likely impact the permitting process.

Paul Downer, owner of 200 Strawberry Lane, stated that he was building a home at 200 Strawberry Lane. He stated that he would be living there and had a strong interest in building safe structures along Lynda Circle.

Mayor Berrie stated that she was familiar with this property and was concerned about developing on the steep slope.

Jason Craven of 327 Yorkshire Lane stated that Mr. Downer's property is at the bottom of the topography and he had strong interest in protecting his property.

Commissioner Cannon motioned to approve the Final Plat for Downer Estates. Commissioner Skonberg seconded the motion. The motion was approved unanimously.

2. Final PUD Plan for Hartman Hills, formerly Five Thousand Acres, at 5005 Dayton Boulevard

Staff recommended approval of this Final PUD plan as a minor revision from the Preliminary PUD plan contingent on adding the 10-foot landscaped buffer along the northern edge of the property where there is not enough existing vegetation to serve as a planted buffer. She stated that the only public comment received was regarding a dead tree, and that the applicant had been in contact with that neighbor.

Geoff Smith with Rise Partners stated that he was introducing himself to all the neighbors and would be a point of contact should they have any concerns during construction. He stated that though they are planning rental units, they intend for the design to be the same as an owner-occupied neighborhood.

Commissioner Browder stated that the concept of a rental neighborhood was concerning and was a new concept for Red Bank. Mayor Berrie stated that she had concerns about the ownership model as well.

Commissioner Millard motioned to approve the Final PUD Plan for Hartman Hills subject to the addition of the required landscaping buffer along the northern edge of the property. Commissioner Cannon seconded the motion. The motion passed unanimously.

3. Special Exceptions Permit request – Triplex at 4 Trenton Street
Staff stated that this property would meet the minimum off-street parking requirements and that the owner had provided an agreement with neighboring property owners for shared parking.

Staff recommended approval with the condition that the applicant provide a stormwater plan prior to obtaining permits and that the parking be designed so that cars would not need to back in to Trenton Street.

Tyler Smith, the applicant, stated that they intend to keep the shared driveway open and would be open to adding "No Parking" signs.

Rob Garrison, owner of 6 Trenton Street, stated that he found that several owners deeds back had the 12 foot easement.

Commissioner Cannon motioned to recommend approval of the Special Exceptions permit request subject to the following conditions: stormwater best management practices must be used to ensure that post construction runoff is less than or equal to preconstruction runoff; and there is an agreement in place for overflow parking. Commissioner Skonberg seconded the motion. The motion passed unanimously.

4. Backyard Chicken Ordinance

Staff stated that the desire to allow backyard chickens should reflect the values and preferences of the residents of Red Bank. Staff recommended that the ordinance be changed to require a larger chicken run.

Commissioner Luther stated that he was concerned about the ordinance expiring in a year and the harm that would do to families that raise chickens.

Staff stated that this is modeled after the Signal Mountain ordinance and that they ended up adopt a permanent ordinance after a year. She stated that chickens typically don't cause major complaints unless they are kept in unsanitary conditions or in small neighboring lots.

Commissioner Browder stated that she felt this needed some more discussion and study. Commissioner Millard motioned to table the ordinance. Commissioner Skonber seconded the motion. The motion passed by consent.

5. Land Use Plan Update – Review of Property Sale and Purchase requirements

Staff stated that this would put a policy in place that refers all public property purchases and sales to the Planning Commission.

Commissioner Cannon motioned to approve the amendment to the Land Use Plan that would require Planning Commission Review of the sale and purchase of public property. Commissioner Luther seconded the motion. The motion was adopted by consent.

6. Zoning Ordinance Amendments – Tree and landscaping requirements, Planned Unit Development application, flag lots, and clarification of side yard setbacks in the RZ-1 and R-T/Z Residential Zones

Commissioner Browder stated that she felt this needed some more discussion and study. Commissioner Millard motioned to table the ordinance. Commissioner Skonberg seconded the motion. The motion passed by consent.

7. Steep Slope Ordinance Discussion

Commissioner Browder stated that she felt this needed some more discussion and study. Commissioner Cannon motioned to table the ordinance. Commissioner Millard seconded the motion. The motion passed by consent.

8. Any properly presented new business
No further business was presented.

VII. UNFINISHED BUSINESS

1. Revised Plat for Freeman Family Subdivision, Lots 3 & 4 (1105 Coker Circle)
Staff stated that this request has been withdrawn.
2. Update on short-term rental unit regulations
This item was tabled due to time.
3. Any properly presented unfinished business
No further business was presented.

VIII. OTHER BUSINESS

No other business was presented.

IX. Adjournment

Commissioner Millard motioned to adjourn. Commissioner Cannon seconded the motion. The meeting was adjourned at 7:53 PM

Chairman

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: March 8, 2021

Subject: Long-Term Rental Regulations

Existing Conditions

The existing conditions pertaining to long-term rentals in Red Bank can be summarized as follows:

1. Red Bank has many older properties, multi-family properties, and duplexes that serve as rental properties. These are throughout the city. Some are very well-maintained, and some are in poor condition.
2. Two newly planned single-family developments are being established as rental-only subdivisions. These properties have a total of 103 units.
3. About 41% of all units are renter-occupied, according to ESRI Business Analyst (2020), or about 2,693 units. This higher than the overall rate of renter-occupied housing in Hamilton County, which is 37.3%, but consistent with the general pattern of having more rental units in higher-density areas of the county.
4. Most of the residential parcels in Red Bank, 88.4%, are used for single-family residences. See table below.

Land Use	# of Parcels	Percent of Residential Parcels
Single Family Residential	3,640	88.4%
Duplex	223	5.4%
Duplex, Owner-occupied	50	1.2%
Apartments, 4-9 units	45	1.1%
Triplex	9	0.2%
Condominium	111	2.7%
Apartments: 10+ Units	38	0.9%
Group Quarters	0	0.0%
Mobile Home Park	1	0.0%

Note: The above statistics are for parcels not housing units. Some apartment complexes are on multiple parcels, and others are on one single parcel.

Existing Regulations

Existing Regulation	Summary	Staff Comment
Title 12, Building, Utility, Etc. Codes	Adopts building codes, mostly by reference. Establishes requirements for inspections as buildings are constructed. Establishes a codes enforcement process.	Building codes are largely in line with what most municipalities in Tennessee follow. Updated codes are adopted every few years, as they are published and reviewed. Building codes and codes enforcement is generally outside the scope of the Planning Commission, though care should be taken to ensure the regulations are not in conflict.
Title 12, Chapter 5, Housing Code, Slum Clearance and Re Development	Establishes standards for residences. Establishes complaint-driven inspection, citation, and repair/demolition processes.	Code enforcement is outside the jurisdiction of the Planning Commission. Codes Enforcement is enforcement of the law, and inspections do require probable cause or an administrative warrant. If regularly scheduled inspections were to take place, they'd need to be uniformly applied.
Title 12, Chapter 13. Property Maintenance Code	International Property Maintenance Code is adopted, and penalties are established.	Building code adoption is outside the jurisdiction of the planning commission, though care should be taken to ensure the regulations are not in conflict.
Title 13, Property Maintenance Regulations	Establishes standards for outdoor property maintenance. Establishes remedies for abandoned vehicles and portable outdoor storage units.	While the initial design of some landscaping is under the purview of the planning commission, maintenance falls under the authority of codes enforcement.
Tennessee Code, Title 66, Chapter 28, Uniform Residential Landlord and Tenant Act	State-wide landlord and tenant regulations. Rental registration requirements only apply to Nashville. Landlord must follow all local	Landlord – Tenant relations are outside the jurisdiction of the Planning Commission. Red Bank does have access to all property owner information that

Existing Regulation	Summary	Staff Comment
	health, safety and building codes.	is provided to the Hamilton County Tax office.
HUD / Housing Authority housing inspections	To be approved for HUD vouchers, residences must meet certain basic requirements known as the 13 Housing Quality Standards. Housing is inspected every one to three years based on the owner's past inspection performance.	
Short-Term Rental Ordinance	Addressed in separate memo	

Proposed Rental Regulations

The table below is adapted from the document "Raising the Bar: Linking Landlord Incentives and Regulation Through Rental Licensing" by Alan Mallach for the Center for Community Progress. All text is from this document, with staff comments in the last column.

Element	Description	Rationale	Staff Comment
Landlord registration or licensing ordinances	A <i>registration</i> ordinance requires landlords to register their properties with the municipalities and provide contact information A <i>licensing</i> ordinance requires registration and a regular health and safety inspection, and may also require other actions by the landlord.	A registration system is informational only, and does not affect the right of a landlord to own and operate rental property. A licensing system conditions that right on compliance with appropriate public interest standards, and raises the bar for landlords in the community. Where legally permitted, a licensing system is a much more effective way of improving rental housing quality.	Licensing may not be legal in Tennessee. Review by the City Attorney is needed. Business licensing is generally regulated outside the Zoning Ordinance. Note that all contact information for property owners is available through the property tax system.
Mechanisms to ensure landlords are registered and/or licensed	Procedures (see Sec. 1.1 of the guide) to ensure that landlords register or comply with licensing requirements.	No ordinance is self-enforcing, and simply passing a registration or licensing ordinance does not get landlords, especially small landlords of single-family	Staff has no expertise in the enforcement of these requirements and defers to the city manager should such

		properties to comply. Proactive steps are needed to get landlords into the system.	a registry be established.
Rental property information system	A data base of registered/licensed rental properties in the community, including information about code compliance, police calls, and tax/fee payment status.	The ability to track landlords and rental properties is a key to effective enforcement. A strong property information system allows a municipality to target resources to problems more effectively	The City Codes Enforcement Officers maintain logs of inspections, citations, and complaints.
Compliance-oriented fee structure	Fee structures that are oriented to generating positive outcomes and maximizing compliance rather than revenues	Fees should not be seen as a revenue generating mechanism, but as a way of motivating landlords to affirmatively comply with ordinances as responsible owners.	Staff defers to the Board of Commissioners for all fees, particularly when fees are to be used as a penalty.

Limitations of the Planning Commission

At this time, the Red Bank Municipal Planning Commission's role in policy making is limited to four documents:

- Zoning Ordinance and Map – advisory only
- Land Use Plan
- Subdivision Regulations
- Design Review Standards – advisory only

These documents are also limited as to what they may include. The Zoning Ordinance, for instance, is limited to regulating the "location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land buildings and structures." (TCA-7-301). Property maintenance is not considered part of the zoning power of the city, but rather part of codes enforcement.

The Planning Commission may also review and advise on ordinances that reference the Zoning Ordinance or Zoning Map. For instance, the Backyard Chicken Ordinance will designate specific zones for adopting the ordinance. Therefore, it is appropriate for the Planning Commission to comment on the ordinance.

While the Board of Commissioners may wish to seek guidance from the Planning Commission on related matters, it is staff's opinion that such topics should first be discussed by elected officials. The Board of Commissioners has the benefit of an attorney's advice, as well as insight and influence over the City's budget. Often, significant funds are required to implement these changes.

Furthermore, these proposed ordinances are beyond the expertise of the planning staff. While staff can provide sample ordinances, there are other organizations and consultants that would be better suited to crafting such regulations. If the Planning Commission spends significant time in a public forum workshopping policy that may be illegal, impractical, or, in a worst-case scenario, unconstitutional, it may erode the public confidence in the Planning Commission.

Staff Recommendation

The establishment of rental-only neighborhoods is a new concept and we cannot yet know the impact it will have on the wider community. However, staff has found no options for preventing such development as Tennessee is a landlord-friendly state that tends to favor property rights.

Regarding property maintenance, there are existing codes that address these issues. Staff has not reviewed Codes Enforcement policies or procedures. The attached document provides the options that are available to Tennessee cities, though some are not available to Red Bank. These are generally outside the scope of the Zoning Ordinance and Planning Commission.

As a next step, staff recommends that the Board of Commissioners, if interested, review the proposed regulations with City Staff (particularly Codes Enforcement), City Attorney and the appropriate MTAS consultant.

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: February 12, 2021

Subject: Short-term rental unit regulations

Summary of Regulations

In 2018, extensive discussions regarding Short Term Rentals took place and Red Bank adopted an ordinance to regulate these units in accordance with the recently passed state-wide Short Term Rental Act. The ordinance, which remains in place, includes the following restrictions:

- Limited to R-3, R-4, R-5, and Commercial zones
- Maximum rental period of 30 days
- Does not include a hotels or bed and breakfasts
- “Grandfathered” units could continue operating, provided they paid the appropriate taxes and submitted their permit application and fees
- Limited to one unit per structure
- Maximum of 5 bedrooms, occupancy of 2 people per 70 square feet of bedroom
- Must pay all applicable taxes and meet all safety and building code requirements
- Must apply for and renew a permit with the city
- Three code violations, and the permit shall be revoked

Analysis

Current Short-Term Rental Units

Red Bank has eight (8) short-term rental units that are registered and properly remit taxes to the City. Hamilton County maintains a listing of short-term rental units that remit taxes to the County that is shared with city staff.

A cursory search of Airbnb.com indicated that 21 units are currently listed within city limits. Staff does not have statistics on which units have received code enforcement citations. Having some “under the table” units is very common in cities. Codes enforcement is typically complaint-driven with this type of regulation, as there are numerous inspections and codes violations that are of more immediate importance. However, staff has not verified the process with Codes Enforcement staff.

A total of 150 lots are properly zoned for a short-term rental. So, most requests for short-term rental units requires rezoning. Within single-family residential neighborhoods, this often is considered spot zoning which is illegal in Tennessee.

Impact of Short-Term Rental Units

The impact of short-term rental units on neighboring properties depends almost entirely on the way the short-term rental unit is managed. Being part of an owner-occupied home or duplex ensures that any issues that arise will be dealt with quickly and that the owner will take safety precautions as to who they rent the unit to. Otherwise, the enforcement of municipal and state laws is often complaint driven and up

to law enforcement and the neighbors. In neighboring Chattanooga, it is much easier to get a permit to operate an owner-occupied short-term rental than one that is not owner-occupied.

Positive Impacts

The positive impacts of short-term rentals are almost entirely economic. It provides income for property owners, increases the number of visitors to some degree, and creates tax revenue for the city.

If there is an excessive amount of vacant housing, it may serve to fill blighted properties. However, this would be a rare situation as such areas are unlikely to become tourist destinations.

Negative Impacts

The potential negative impacts include:

- Displacing income of established hotels
- Impact on neighborhood character due to increased tourism and decreased long-term residents
- Traffic increase
- Noise, trash and other “un-neighborly” behavior
- Most importantly, the displacement of long-term renters

Short-Term Rental Market Conditions

The greater Chattanooga area brings in many tourists each year, with \$1.16 billion worth of expenditures in Hamilton County in 2019. In 2017, AirBnB reported that 62,000 people stayed in an AirBnB in the Chattanooga market (including Cleveland and other areas). Nearby Signal Mountain saw 1,300 people that year, with short-term rental owners earning \$133,000.

(Source: AirBnB via Times Free Press)

These statistics indicate that the market for these rentals does exist, and if Red Bank increased the area where these rentals were allowed, the units will surely be built. However, even at double or triple the amount of income that was seen in Signal Mountain in 2017, the tax revenue would not be so significant as to drive policy.

More significant would be the impact on property owners and small businesses, who would see the benefits of increased income and spending. However, poorly run short-term rentals could negatively impact property values. Additionally, some of these properties are owned by residents of other communities, so the income would not necessarily be spent in Red Bank.

At least a portion of the income generated by these rentals will be displacing the income that would normally go to a hotel, motel, or inn. Red Bank does not appear to have any hotels at this time, so the income generated is income that would otherwise go to businesses outside the city limits of Red Bank.

Housing Market and Household Income

An estimated 40% of housing units are renter-occupied, which is slightly above that of Hamilton County which is 37.3%. The vacancy rate (12.9%) is also slightly above Hamilton County’s rate of 10.5%. Given that Red Bank is on average more urban and denser than the county overall, Red Bank’s occupancy statistics appear to be in line with the larger market trends rather than localized conditions.

Red Bank Housing Stock

Measure	2020 Units	2020 Percent
Total Housing Units	6,592	100.0%
Occupied	5,741	87.1%
Owner	3,048	46.2%
Renter	2,693	40.9%
Vacant	851	12.9%

Source: ESRI Business Analyst

When assessing policies that will alter the housing market, it is essential to consider the burden of housing costs on residents. A study by the National Low Income Housing Coalition showed that the density of short-term rentals correlated with higher property prices, both ownership and rental costs. Essentially, this is because short-term rentals create an increased demand for housing, driving the costs up. (Source: National Low Income Housing Coalition, www.nlihc.org)

Increased property values do have benefits for the community, including property tax revenue and better return for property owners. It also drives people to invest in property improvements. However, when the driver of this increased demand is short-term rentals and not increased interest in living in the community, those seeking long-term housing bear the burden of higher costs with few benefits.

A 2019 study by the United Way showed an estimated 50%, or about 2,600, households in Red Bank struggle to meet their basic needs.

Share of Renters with Severe Housing Cost Burdens – Metro Area ¹	18.1%
Share of Homeowners with Severe Housing Cost Burdens – Metro Area	6.0%
ALICE Households ² (Asset Limited, Income Constrained, Employed) + Poverty in Red Bank	50%

Staff Recommendation

The Tennessee Short Term Rental Act of 2018 provides clear protections for short-term rental operators that are operating at the time new regulations are in place. Should new regulations allow additional short-term rental units to be established, they would be “grandfathered” under any new regulations. In other words, any new, legally operating short term rental units would be essentially permanent until the owner decides to cease operations.

For that reason, staff recommends careful study of the previous short-term rental regulation effort. Staff did not find any areas that are not in line with cities of a similar size in Tennessee. The regulations were put into place with significant study and public participation. Any further changes should happen incrementally with careful study.

¹ Source: Joint Center for Housing Studies, Harvard University. <https://www.jchs.harvard.edu/son-2019-cost-burdens-map>

² ALICE is a measure of poverty developed by the United Way to measure the number of households struggling to meet their basic needs and includes both income and expenditure data based on location and family size. See <https://www.unitedwaysela.org/>

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: February 11, 2021

Subject: Backyard Chicken Ordinance

Summary of Proposal

Permitted Use: Chicken coops housing female chickens

Zones: Single-family residential

Setbacks: 25 feet from property lines, 50 feet from streams

Lot size requirements: Minimum ½ acre for up to 4 hens; Minimum 2 acres for up to 8 hens

Coop size requirements: Minimum 2 square feet per hen

Run size requirement: Maximum of 10 square feet

Analysis

Regulations in Nearby Communities

Many Hamilton County communities allow backyard chickens with restrictions, including:

- Chattanooga, limited to lots that are 5 acres or larger or agriculturally zoned
- Signal Mountain, no lot size requirement
- Walden, limited to 2 small livestock per acre

Residential Lot Sizes in Red Bank

	# Lots	% of Lots
Total Lots	4,657	100.0%
Less than 1/4 Acres	281	6.0%
1/4 to less than 1/2 Acres	1,848	39.7%
1/2 to less than 3/4 acres	1,271	27.3%
3/4 to less than 1 acre	521	11.2%
1 acre to less than 2 acres	501	10.8%
2 acres to less than 5 acres	179	3.8%
5 acres or more	56	1.2%
Percent greater than 1/2 acre		54.3%

Health and Safety Considerations

Backyard chickens can be kept in a safe manner that does not pose public health concerns. However, if not kept in sanitary conditions, fowl are known to spread illness, specifically salmonella and histoplasmosis. Strict enforcement of the adopted codes will be necessary to prevent the spread of illness. The city may consider other precautions such as:

- Requiring vaccinations against Marek's disease, Tenosynovitis, and other vaccines as recommended for backyard chickens
- Require applicants to complete a chicken care certification course to ensure proper care and handling of chickens. Many are available online.
- Require a "deep litter system" or other appropriate waste management system to prevent the spread of bacteria

Staff Recommendation

The decision to permit chickens has the potential to provide many positives to the City of Red Bank, including fresh, healthy food and independence for chicken owners. The possible negative impacts could include health concerns, noise, odors and neighbor disputes. If restrictions are well-written and fully enforced, these negative impacts can be at least partially mitigated.

The City's decision to permit backyard chickens should reflect the values and preferences of the residents. Having more expertise on the values and preferences of Red Bank residents and property owners, staff defers to Planning Commission and Board of Commissioners in this matter.

The proposed ordinance appears to allow backyard chickens for a trial period, which may offer Commissioners a means of assessing the feasibility of the proposal in Red Bank. Should the Commission decide that backyard chickens are desired in Red Bank, staff recommends the following:

1. Increase the chicken run requirement to a minimum 8 square feet per chicken. The recommended size ranges by type of chicken. The current draft ordinance states a maximum of 10 square feet. However, staff defers to those more experienced with raising chickens.
Source: Vermont Agriculture Extension: <https://www.pubs.ext.vt.edu/2902/2902-1092/2902-1092.html>
2. Require annual renewal and fee to assist in covering the additional costs to Codes Enforcement. Signal Mountain, for example, charges an annual fee of \$15.
3. After one year, re-evaluate the program to ensure no additional safety regulations are needed.

CITY OF RED BANK

APPLICATION FOR CHICKEN(S) PERMIT

The undersigned does hereby apply for a License to keep not more than 4 female chickens on the premises and address set out herein.

Name: _____

Address: _____

Phone: _____ **Email:** _____

Cell: _____

I do hereby affirm that the lot size is not less than 1/2 acres, 21,780 square feet and that if granted, that I will abide by all terms and conditions of City, governing ordinances, rules and regulations.

This application shall be accompanied by:

- Application fee of \$50.00
- A site plan location of structure
- A copy of the deeds to the property
- A copy of any Covenants and/or Restrictions applicable to the Property

Permit may be issued for any person to keep female chickens within the City only and if all of the required standards, as set forth in the attached Ordinance are met and complied with by the applicant during any period that a permit is issued by the City Manager.

Licensee, by accepting this license consents to the inspection of the premises upon which the required enclosure is located, during daylight hours, at any time and whether with or without notice for the purpose of reasonable inspection for Ordinance compliance.

Final approval will not be granted until a site inspection of the enclosure is complete.

This License, if approved, is not transferable to any other person and is specific to the property address herein and cannot be transferred to or used in connection with any other property/address.

I have received a copy of and read, understand and agree to the Ordinance governing the keeping of female chickens, the limitations and requirement associated therewith and the rules and regulations governing same.

Applicant Signature _____ Date _____

Approval:	Approved	Denied	Date
Code Official	_____	_____	_____
City Manager	_____	_____	_____

Keeping Chickens and other fowl within the City.

(1) It shall be unlawful for any person to keep ducks, geese, or other fowl in the City of Red Bank with the exception of female chickens by permit issued by the City Manager as provided in this section.

(2) The purpose of this section is to provide standards for the keeping of domesticated chickens within the City only where an appropriate permit has been obtained from the City Manager. This section is intended to enable City residents to keep a small number of female chickens on a non-commercial basis and to limit potential adverse impacts on surrounding property owners and neighborhood. It is understood that potential adverse impacts may result to adjoining property owners and the neighborhood from the keeping of domesticated chickens due to noise, odor, unsanitary animal living conditions, unsanitary waste storage and/or removal, attraction of predators, rodents, insects, or parasites, and other animals leaving the owner's property. This section is intended to create licensing standards and requirements within the City on a trial basis to protect property values of adjoining properties and the neighborhood surrounding the property on which any chickens are kept within the City.

(3) No permit shall be issued for any person to keep female chickens within the City unless all of the following required standards are met and complied with by the permittee during any period that a permit is issued by the City manager:

(a) Property must be zoned R-1 or R-1A.

(b) Chicken coops may only be kept as an accessory use to a residence. They will not be permitted on vacant lots.

(c) Property of less than ½ acre.

(d) No more than four (4) hens shall be allowed in any residential zone property except eight (8) hens will be allowed for those zoned residential properties of two or more acres. No birds shall be allowed in any commercial, office, or multi-family residential district, including duplexes.

(e) No roosters shall be allowed within the City.

(f) There shall be no outside slaughtering of birds in the City.

(g) Any chickens must be kept in a secure enclosure at all times (not visible from the street) that has been approved by the City Manager or designee. The size of any outside enclosure shall be ~~a maximum of ten (10)~~ **minimum of 8 square feet per chicken** and the outside enclosure shall be set back at least twenty-five feet (25') from any adjoining side and rear property lines and at least fifty feet (50') from any stream. The enclosure must provide adequate ventilation and adequate sun and shade and must both be impermeable to rodents, wild birds, and predators, including dogs and cats. The enclosure shall provide a minimum of two (2) square feet space inside for each bird.

(h) There shall be no more than one such enclosure per lot and shall be approved by the City Manager or designee before any use occurs and shall be designed to provide safe and healthy living conditions for the female chickens while minimizing adverse impacts to other residents in the neighborhood. The enclosure shall be enclosed with wire or screen on all sides and shall have a roof and doors. Access doors shall be shut and locked at night. No enclosures will be allowed in any front yard.

(i) Opening windows and vents shall be covered with predator and bird proof wire of less than one inch (1") openings.

(ii) The materials used in making the enclosure shall be uniform for each element of the structure within the City such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials to construct the enclosure is prohibited. The enclosure shall be well-maintained.

, (iii) The enclosure shall be placed in the rear yard meeting the required setbacks where it is uniform and in harmony with other structures on the lot and is not visible from the street.

(iv) Mobile chicken coops shall be permitted provided they meet all other requirements of the ordinance and are only moved within the setback requirements.

(g) Enclosures must be kept in a neat and sanitary condition at all times and must be cleaned and/or moved to a different approved location on the lot on a regular basis to prevent offensive odors.

(h) Chicken feed must be kept in a rodent-proof container which is approved by the City Manager or designee and all chickens shall be humanely treated.

(i) Prior to purchasing any chickens pursuant to this section within the City, any person must obtain a permit from the office of the City Manager and an inspection shall be conducted of any proposed facilities for housing chickens in accordance with this section. There shall be a permit fee of fifty dollars (\$50.00) for any person desiring to keep chickens within the City.

G) The City Manager or designee shall deny a permit to keep domesticated chickens within the City if the applicant has not complied with all provisions of this section. A permit to keep domesticated chickens may be suspended or revoked by the City Manager or the designee at any time when there is a risk from existing conditions to public health or safety and if there is any violation or failure to comply with the provisions of this section after a permit has been properly issued. Any denial, revocation or suspension of a permit to keep domesticated chickens shall be in writing and shall include notification of the right to appeal to the Red Bank City Commission within ten (10) days of the denial, revocation or suspension by the permit holder.

OUTLINE OF CHICKEN ORDINANCE COMPONENTS

APP, FEE & PERMIT

- A permit will be required from the City.
- A site plan location of structure
- Enclosure must be inspected & approved before use occurs.
- An initial application fee of \$ 50.00 dollars.

PLACEMENT

- Zoning for single family Residential Properties only.
- Not allowed on Properties of less than ½ acre or in multi-family complexes, including duplexes, office or commercial or other zones.
- No enclosure may be placed in front yards. Must be placed in the rear yard.
- Coop location shall be not be visible from the street.
- Setbacks from any adjoining property lines to be twenty-five (25) feet.
- Setbacks from streams to be fifty (50) feet.

CONSTRUCTION

- No more than four (4) hens shall be allowed on any residential zoned property except for those properties of two (2) or more acres where a maximum of eight (8) hens will be allowed. No Roosters are permitted.
- A minimum cage size of two (2) square feet for inside enclosure for each bird.
- Outside runs shall be 10 sq. ft.
- Enclosed with wire or screen on all sides.
- Windows & vents shall be covered with predator & bird-proof wire of less than one-inch (1") openings.
- The structure shall be uniform around the structure and shall be in harmony with the surrounding area. See ordinance.

REGULATED CONDITIONS

- Enclosure shall be well maintained.
- Enclosures must be kept in a neat and sanitary condition at all times.
- Must be cleaned on a regular basis to prevent offensive odors.
- Must be kept /raised in humane manner.
- Must be designed to provide safe & healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- **Running at large is prohibited.** Must be kept in a secure enclosure at all times.
- Access doors shall be shut and locked at night.
- No Roosters permitted or allowed.
- No bird breeding operations or activities are permitted under any circumstance.
- All feed to be kept in rodent proof/raccoon proof containers.
- There shall be no outside slaughtering of birds.
- For more details or clarification please contact Red Bank City Hall (423) 877-1103.

NOTE: This is a general outline and information guide – provisions of the Ordinance have priority over this outline.

GENERAL WEBSITES

The following websites contain general information on the topic of urban chickens, which may be helpful but are not a part of the City of Red Bank governing Ordinance nor its Rules and Regulations regarding same. Any conflict with the governing ordinance(s) may not be relied on by the homeowner or occupant.

<http://www.urbanchickens.org>

<http://backyardchickens.net>

<http://www.urbanchickens.net>

MEMORANDUM

To: Members of the Red Bank Planning Commission
Cc: Tim Thornbury, Public Works Director
From: Ashley Gates, Regional Planner
Date: March 12, 2021
Subject: Summary of Zoning Ordinance Amendments

Section	Pages	Change	Staff Recommendation
Throughout document	N/A	Change "yard" to "setback"	Setback is the more commonly used term
Throughout document	N/A	Increased the minimum square footage to 1,400 square feet for all single family residences, except in zone R-1A and mixed-use residential developments which requires 2,000 square feet. Duplexes have a minimum square footage of 1,800 square feet (900 sq. ft. per unit)	This recommendation supports the adopted land use plan. However, staff recommends against minimum home size requirements for the following reasons: • Above 600 square feet, there is no clear need to establish a minimum home size for reasons of health and safety • Courts tend to look unfavorably on minimum square footage requirements, particularly for homes • Square footage is more closely related to building type than zone location • Square footage is better regulated through building codes and based on the number of rooms, types of rooms, etc. Source: American Planning Association
Throughout document	N/A	Clarify that short-term rental units are limited to one per structure	Clarification is needed

Section	Pages	Change	Staff Recommendation
Access Easements and Flag Lots	1, 18-19	Allows access to lots by easement and flag lots as permitted in the Subdivision Regulations. This permits lots to be created behind existing homes on particularly long and narrow lots, allowing infill development.	These sections need to be altered to be the same as the Subdivision Regulations or need to be removed from the Zoning Ordinance.
202.07 Auto Wrecking Yard Definition	3, 92	Updates the definition of an Auto Wrecking Yard and creates screening requirements. Requirements also added to pertinent zones.	Approve
204.07 Access Control	14-15	Allows cars to back out from driveways only on streets that have a speed limit 25 MPH or under.	Current regulations provide residential uses an exception to this requirement. Approval recommended.
14-206 Process for Variances or Special Exceptions	22-26	Moves Special Exceptions decisions from BZA to the Planning Commission.	Tennessee Code (See T.C.A. 13-7-207) places special exceptions responsibilities with the Board of Zoning Appeals. Review by City Attorney is recommended.
14-209 Changes and Amendments	27	Fees for those applying to rezoning and other amendments are increased and include the cost of mailing	Certified mailings can be very expensive and costs should be covered by the applicant. Planning Commission may consider leaving fee schedule up to the City Commission so that fees may be changed by resolution.
14-307 Planned Unit Development	51-58; Changes on 57 and 58	Streamlines PUD approval process, allowing PUD plans to serve as preliminary plats. Additionally, allows Special Exceptions Permit and Rezoning to take place at the same meetings.	PUD process is very long and can be confusing. This will reduce the number of meetings required. However, the Planning Commission may still opt to table a proposal and hold additional meetings if a development is particularly controversial or concerning. Approval recommended.

Section	Pages	Change	Staff Recommendation
14-309.03 RZ-1 Zero Lot Line Residential	63	Clarify RZ-1 side setback requirements. Minimum of 10 feet between single family homes. Allows the home to either be centered on the lot or at the lot line.	Approve. Current language is confusing and contradicts itself. Additional Planner Recommendation: Remove or reduce 25-foot buffer requirement between RZ-1 and other residential zones. This will result in far fewer conditionally zoned properties.
14-310 R-T\Z Residential Townhouse\Zero Lot Line Zone	66-67	Clarify R-T\Z side setback requirements. Minimum of 10 feet between single family homes. Allows the home to either be centered on the lot or at the lot line.	Approve. Current language is confusing and contradicts itself.
14-405.05 C-3 Neighborhood Commercial	86	Update setback requirements to match Design Review Standards.	These requirements were intended to be updated with the approval of Design Review Standards but were left out of the ordinance by mistake. Approve.
14-901 Screening Requirements	97-106	Update the tree and shrub list to only allow native species. Other, non-invasive species may be approved by the City. Also requires that dumpsters be screened by wood fence.	Approve. Planning Commission may also wish to review the 3-gallon, 8-foot-tall installation requirement for trees and 3-gallon requirement for shrubs for new species list.
14-1000 Design Review Standards	106	Adopt Design Review Standards by reference. Make the Planning Commission the Design Review Board.	A portion of the standards are in the Zoning Ordinance, but are not up-to-date. Design Review Standards were adopted separately and should be referenced. Approval recommended.

~~(E)~~ — ~~For zero lot line homes, the side yard setback lot must be from zero to a tenth of a foot (1.2 inches) with the opposite side yard being a minimum of (10) feet. The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building), except in the instance of adjacent lots with separated family detached homes on adjacent lots and provided that both side setbacks of any such adjacent detached single family dwellings shall be at least six (6) feet and such detached single family dwellings must be separated by a minimum of at least twelve (12) feet. See Chapter XI, Communications Towers.~~

~~(F)~~(E) — For all other single-family detached homes, the side yard setback must be a minimum of five (5) feet with a minimum 10-foot building separation, with the exception of side yards that are on the exterior boundary of an RZ-1 Zero Lot Line Residential Zone (see Part I of this section) or that abuts a public street (see Part D of this section).

~~(G)~~ — ~~The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building).~~

~~(H)~~(F) — The wall on the zero-foot yard setback must be constructed of maintenance-free, solid, decorative masonry and no portion can project over any property line.

~~(I)~~(G) — Similar zero lot-line exceptions can be made for the rear yardsetback, but not for both the side and rear yardsetbacks of the same lot.

~~(J)~~ — No building shall be located less than ten (10) twenty-five (25) feet from any boundary of the RZ-1 Residential District, ~~except on side yards where an RZ-1 Residential Zone abuts the RT-1, R-4, R-3, R-T\Z Zone or any industrial and commercial zone, the minimum side yard requirement is fifteen (15) feet.~~

~~(I)~~

~~(K)~~(I) — To assure security and privacy within a development, no windows, doors or other openings are permitted on the zero lot line of structures, except that the use of translucent glass shall be permitted to allow natural light to enter the building without significantly compromising privacy.

~~(L)~~(J) — Single-family dwellings shall have a minimum of 1,400 square feet of heated living space.

309.04 Off-Street Parking Regulations

(A) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four bedrooms or more shall be required to have three (3) parking spaces.

(B) There shall be one (1) space for every three (3) seats in the main

SECTION 14-903. Plant Installation Specifications

903.01 Intent

All landscaping material shall be installed in a professional manner, and according to accepted planting procedures specified in the Arboricultural Specifications Manual.

- (A) Class I Shade Trees: These trees are used to meet the tree planting requirements specified in the Street Yard and Parking Lot sections. All Class I shade trees shall be installed at a minimum of caliper of two (2) inches as measured from two and one-half (2 1/2) feet above grade level. Class I shade trees shall also have a minimum expected maturity height of a least thirty-five (35) feet and a minimum canopy spread of twenty (20) feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.
- (B) Class II Shade Trees: These trees are intended to be used for the planting under overhead power lines only where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of one and one-half (1 1/2) inches as measured at two and one-half (2 1/2) feet above grade level from the base of the tree. Class II shade trees shall have a maximum expected maturity height of twenty (20) feet and a minimum canopy spread of ten (10) feet.
- (C) Screening Trees: Screening trees are used to meet the tree planting requirements of Section 14-902 Procedure. All screening trees shall be installed at a minimum height of five (5) to six (6) feet and have a minimum expected canopy spread of eight (8) feet.
- (D) Screening Shrubs: All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature spread of at least five (5) feet.
- (E) Prohibited Plants: Certain plants are prohibited due to problems with hardiness, maintenance and nuisance. See chart for specific plants.

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: February 12, 2021

Subject: Short-term rental unit regulations

Goal of Steep Slope Ordinance

The goal of a steep slope ordinance is to establish standards that will mitigate flooding, erosion, and, in extreme cases, landslides.

Staff Recommendation

The regulations from Oak Hill, Tennessee provides a simple option that requires additional engineering and design standards for steep slope development. Their ordinance applies to slopes over 15%, but other cities limit steep slope restrictions to slopes over 25%. The ordinance requires:

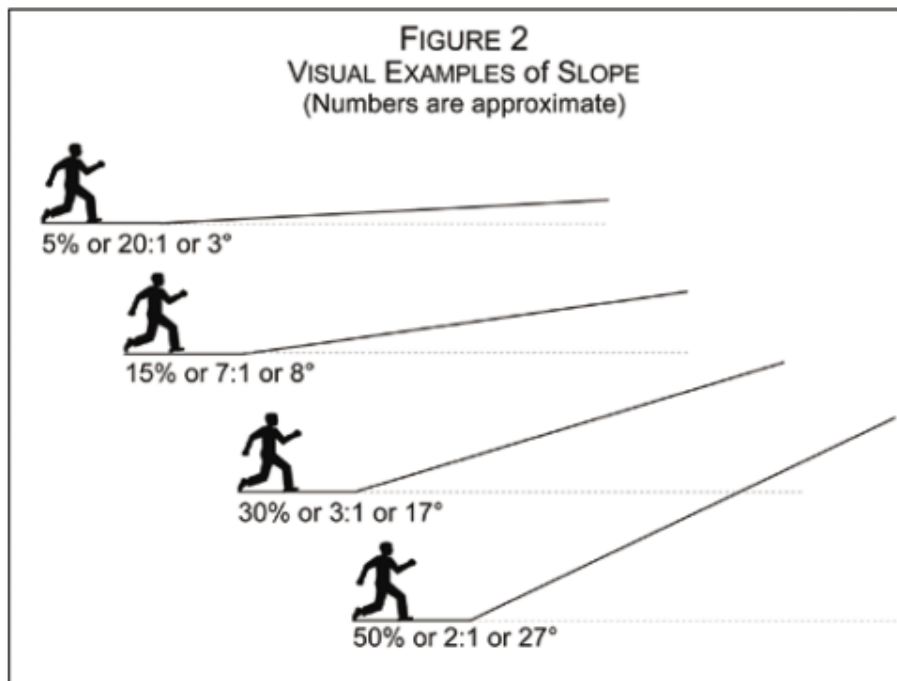
- A site plan that includes additional information on the vegetation, slope, and long-term stabilization plans
- The site plan to be stamped by a certified engineer
- To meet design principals that mitigate runoff and erosion, including the preservation of natural vegetation and drainage ways

Attachment 1. Slope Information.

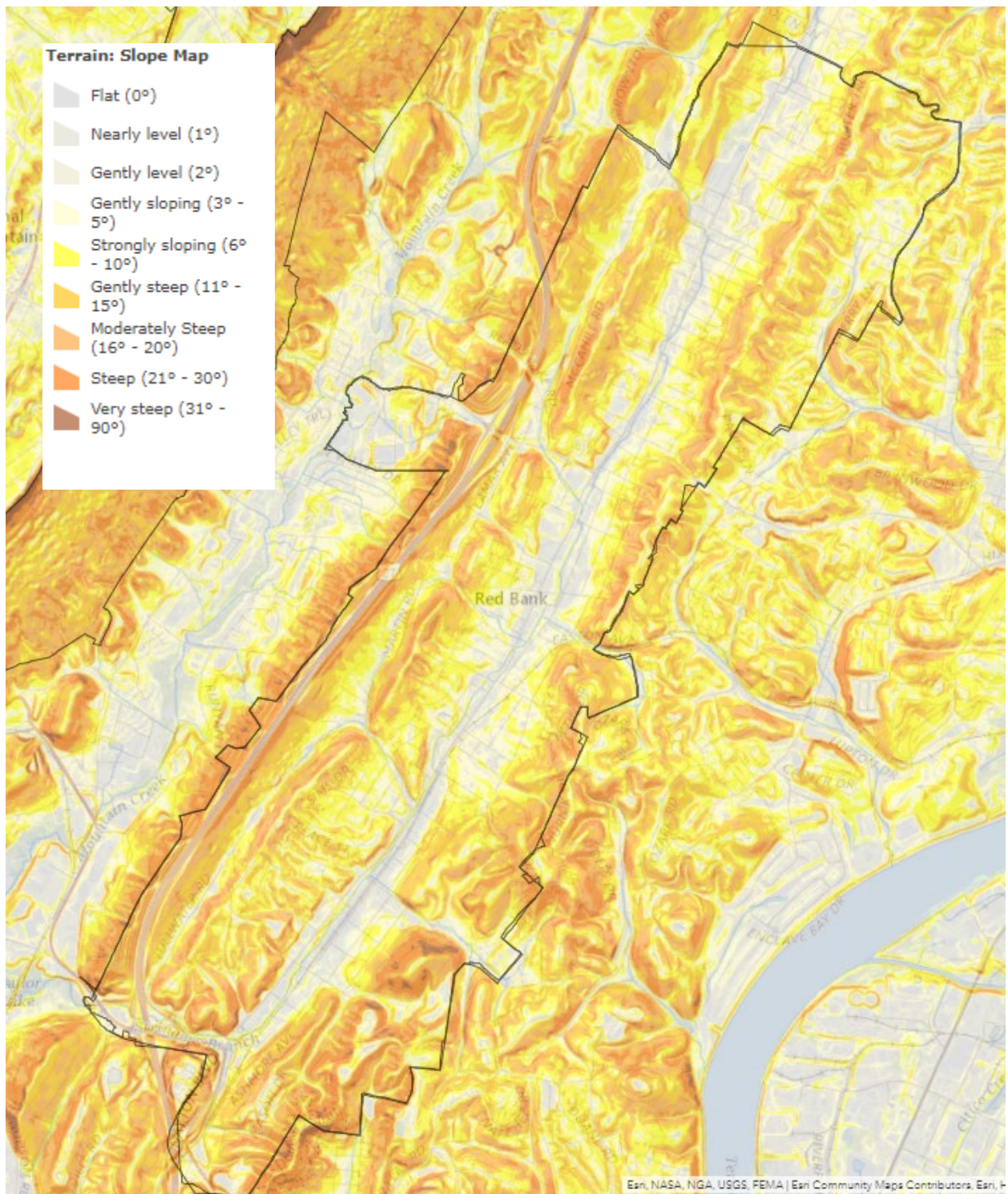
TABLE 1
Degree of Slope

Degree of slope	Development Potential
0% to 3%	Generally suitable for all development and uses.
3% to 8%	Suitable for medium density residential development, agriculture, industrial and institutional uses.
8% to 15%	Suitable for moderate to low-density residential development, but great care should be exercised in the location of any commercial, industrial or institutional uses.
15% to 25%	Only suitable for low-density residential, limited agricultural and recreational uses.
Over 25%	Only used for open space and certain recreational uses.

Source: Soil Surveys of Lehigh/Northampton Counties, Pennsylvania,
Soil Conservation Service. 1963, 1974.



Attachment 2. Red Bank Slope Map.



Attachment 3. Sample Ordinance – Oak Hill.

14-238 Regulations for steep slope areas

It is a substantiated fact that areas of steep slopes, when developed into buildings and streets, present a significant threat of landslides or soil movement. This generally occurs on slopes exceeding fifteen to twenty (15-20%) percent grades. (See: *Landslides in the Nashville, Tennessee Area-Winter 1975*, Robert A. Miller and John D. Wiethe, Tennessee Division of Geology, 1975) Oak Hill contains many such areas. Therefore, it is the policy of the City of Oak Hill to protect life and property by requiring special review procedures for construction on any area of fifteen percent (15%) or greater slopes. The applicant shall pay, as adopted by Board of Commissioners resolution, for review by the Planning Commission for steep slopes or in connection with the Radnor Lake Impact Ordinance. The following regulations shall apply:

14-238.1 *Site plan required*

No building permit shall be issued for construction on any area of 15% or greater slopes until a site plan meeting the following requirements has been approved by the Planning Commission. Said site plan shall show:

- (a) The exact size, shape, and location of the lot, and the existing drainage pattern,

- (b) The proposed location of all buildings, driveways, drainage ways, and utilities,
- (c) Contours at vertical intervals of no more than five feet (5') taken from aerial photography or field survey,
- (d) The extent of natural tree cover and vegetation,
- (e) The location of any on-site soil absorption sewage disposal systems,
- (f) The type and location of erosion control methodology,
- (g) The exact area where any natural vegetation is proposed to be removed,
- (h) The size, type, and height of all buildings proposed to be constructed.
- (i) The location and extent of colluvial soil areas as determined by soil test borings,
- (j) The engineer's stamp that prepared the plan,
- (k) Certification as to the stability of the structures and slope and compliance with sound construction methods for areas with steep slopes and landslide problems by a registered geotechnical engineer. Said engineer shall also certify such features after completion of construction prior to issuance of the certificate of occupancy,
- (l) When the Planning Commission determines that additional information is required, an additional soils or geotechnical engineer may be employed to be funded by the developer. The Planning Commission may then require additional standards for development of the lot or tract if substantiated by the facts.

14-238.2 *Development standards*

The following standards shall be used as a guide in determining the suitability of the construction proposed for the particular site in question. The engineer's certification required in § 14-238.1 above shall address these standards:

- (a) Natural vegetation shall be preserved to the maximum extent possible. Existing vegetation on slopes fifteen percent (15%) or greater shall not be removed except as approved by the Planning Commission. The Planning Commission may require replacement of removed trees up to the caliper inches removed. Any grass areas shall be sodded,

- (b) Natural drainage ways and systems shall be maintained, except that surface water may be diverted around a house or slope area to a natural drain using acceptable construction techniques,
- (c) Development shall require a minimum of two (2) acres of land per parcel. The Planning Commission may require additional acreage when justified by the soil tests and/or slope of the site and limit development to a maximum of ten percent (10%) of the lot,
- (d) Off-road vehicles shall be prohibited from all such areas and may not be operated off streets and driveways,
- (e) Operations that increase loads, reduce slope support, and cause instability of the slope shall be prohibited to the maximum extent possible which will permit reasonable development of the site. These include filling, irrigation systems, accessory buildings, and on-site soil absorption sewage disposal systems,
- (f) Where sanitary sewers are not available, any on-site sewage disposal system shall be shown on the site plan and located to avoid slide prone areas. Said system shall be approved by the County Health Department prior to the Planning Commission's review taking into account these requirements,
- (g) Erosion control measures shall be employed to prevent all soil material from leaving the site. Additionally, soil from excavation on the site shall not be deposited as fill on a potential slide area. Additionally, all aspects of the Metropolitan Nashville Storm Water Management Ordinance shall apply,
- (h) No construction, including for roads which would cut the toe of the slope shall be permitted, except as approved as a part of a soil stabilization plan submitted by a licensed geotechnical engineer on behalf of developer.