

City of Red Bank
Municipal Planning Commission

WORK SESSION AGENDA

March 14, 2023

12:00 pm

Red Bank City Hall

3105 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL – Secretary

☐ Commissioner Browder

☐ Commissioner Luther

☐ Commissioner Millard

☐ Commissioner Kelly

☐ Commissioner Skonberg

III. Agenda items for the March 16, 2023 regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

1. February 16, 2023

B. NEW BUSINESS

1. Request to Rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot Line
2. Any properly presented new business

C. UNFINISHED BUSINESS

1. Amend R-4 Special Zone to include select commercial uses as uses by Special Exceptions Permit
2. Steep Slope Ordinance to provide guidelines for development of parcels with steep slopes
3. Any properly presented unfinished business

D. OTHER BUSINESS

IV. ADJOURNMENT

City of Red Bank
Municipal Planning Commission

REGULAR MEETING AGENDA

March 16, 2023

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL – Secretary

☐ Commissioner Browder

☐ Commissioner Kelly

☐ Commissioner Luther

☐ Commissioner Skonberg

☐ Commissioner Millard

III. INVOCATION – Commissioner Millard

IV. PLEDGE OF ALLEGIANCE – Commissioner Browder

V. CONSIDERATION OF THE MINUTES

1. February 16, 2023

VI. NEW BUSINESS

1. Request to Rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot Line
2. Any properly presented new business

VII. UNFINISHED BUSINESS

1. Amend R-4 Special Zone to include select commercial uses as uses by Special Exceptions Permit
2. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT



Hollie Berry
Mayor

Martin Granum
City Manager

MUNICIPAL PLANNING COMMISSION

MINUTES

January 19, 2023

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:04 PM

II. ROLL CALL

Commissioner Skonberg called the roll. Commissioners Browder, Kelly, Luther, Millard, and Skonberg were in attendance. Also in attendance were the planning advisors from the Southeast Tennessee Development District, Ashley Gates and Marc Holcomb, Mayor Hollie Berry, and Building Official Eddie Clinton.

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Luther led the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

Commissioner Browder asked for any corrections to the minutes from January 19, 2022. Commissioner Skonberg motioned to approve the minutes from December 15, 2022. Commissioner Kelly seconded the motion. The motion carried with a unanimous vote.

VI. NEW BUSINESS

1. Watch Tower Investments LLC RTZ Application - DISCUSSION ONLY

Commissioner Browder stated that Mr. Jason Craven from Watchtower Investments presented some ideas at the Work Session. She stated that he will be working with the Building Official and Planning Staff to submit an application for future consideration.

2. Revised Steep Slope Ordinance - DISCUSSION ONLY

Commissioner Browder stated that the Planning Commission was not in a position this evening because they do not have enough information make a decision. She

stated that they spent an inordinate amount of time working on the ordinance. She stated that the Planning Commission felt that what they recommended was good, and that they had reviewed and included the engineer's comments.

She stated that she felt that all the work that the Planning Commission had done was ignored. Commissioner Browder stated that she feels they are at square one and the Planning Commission has to start again.

Eddie Clinton stated that he feels what it has evolved into is a better product and that he didn't feel it was starting at square one. He stated that his job will be to determine if it was a steep slope, and then the requirements will be up to the builders and the engineers.

Staff agreed to update the ordinance some and provide some comparison between the two versions of the document.

Commissioner Browder stated that she wanted the Planning Commission to be kept in the loop.

Staff presented a map and statistics regarding the steep slopes in Red Bank. Staff stated that she would present a review of both ordinances at next month's meeting.

Commissioner Kelly asked if they would be expected to vote on this next month. Staff stated that it would depend on the Planning Commission's comfort level.

3. Discuss Amendment of Design Review Standards

Marc Holcomb stated that there was a typo in the Design Review Standards. The intent is to have Design Review Standards be required when major renovations exceed 60% of the current appraised value.

Commissioner Kelly asked when projects come to the Planning Commission. Eddie Clinton stated that it is based on the frontage of the lot, and only large lots require Planning Commission review.

Commissioner Millard asked if they could get a report of the building permit or business licenses that come in. Eddie Clinton stated that he could ask if there is a staff person that could pull a report.

Commissioner Luther motioned to recommend approval of the amendment to the Design Review Standards to correct the typo and clarify the definition of a major renovation to mean when renovations exceed 60% of the appraised value, as intended. Commissioner Millard seconded the motion. All voted in favor. The motion carried.

VI. UNFINISHED BUSINESS

1. Discuss Permitted Uses in R-4 Zone

Marc Holcomb stated that the zone's original intent was to create a medical corridor, but that many other civic uses had been established there. He stated that if any other business owners would like to establish a business there, other uses would needed to

be added as uses on review. He stated that this was prompted by a business owner's proposal.

He stated that a major concern was that R-4 specific uses would be needed to added elsewhere. He stated that Red Bank is not obligated to provide vacant land for specific uses.

Commissioner Browder asked if it would be better to rezone it to C-3. Ashley Gates stated that it would be a better route to select which uses would be harmonious in the existing R-4 zone due to spot zoning concerns.

Commissioner Skonberg asked whether they could not include outdoor amusement. Staff stated that they may need to devise some conditions for these uses and have a clear definition of outdoor amusements.

Commissioner Luther stated that he felt that it shouldn't cater to the developer's proposals. Commissioner Skonberg stated that it has come up during multiple meetings and this will show that they are being responsive. Commissioner Browder stated that it may just be a sign that the R-4 zone is too restrictive.

Commissioner Luther suggested looking at the C-3 zone to see what types of uses may be appropriate in the R-4 zone. He stated that did not want to simply grant a wish list to a specific developer.

Staff stated that they would work on looking at the C-3 zone and other use options for this zone. Commissioner Browder stated that she hoped they would be ready to make a recommendation on this next month.

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Commissioner Luther motioned to adjourn. Commissioner Millard seconded the motion. The meeting adjourned at 7:01 PM.

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Marc Holcomb, Regional Planner

Date: March 9, 2023

Subject: Request to Rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line

SUMMARY

Property Address:	167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road (20 Lots)	Property Owner:	Watch Tower Investments, LLC; Kammer Holdings, LLC
Tax ID:	Tax Map 126C C 040.01 – 126C C 040.07, 126F B 002 – 007, 126F B 020	Applicant:	Watch Tower Investments, LLC
Deed Reference:	12829 0914, 12608 0993, 12688 0502, 12528 0754	Current Zoning:	R-1
Flood Zone:	201 Lullwater Rd. and 126F B 002 Signal Mountain Rd. touch edge of 500-year flood zone	Requested Zoning:	R-T/Z
Proposed Use:	38 detached single-family homes		
Staff Recommendation:	Approve with conditions		

ANALYSIS

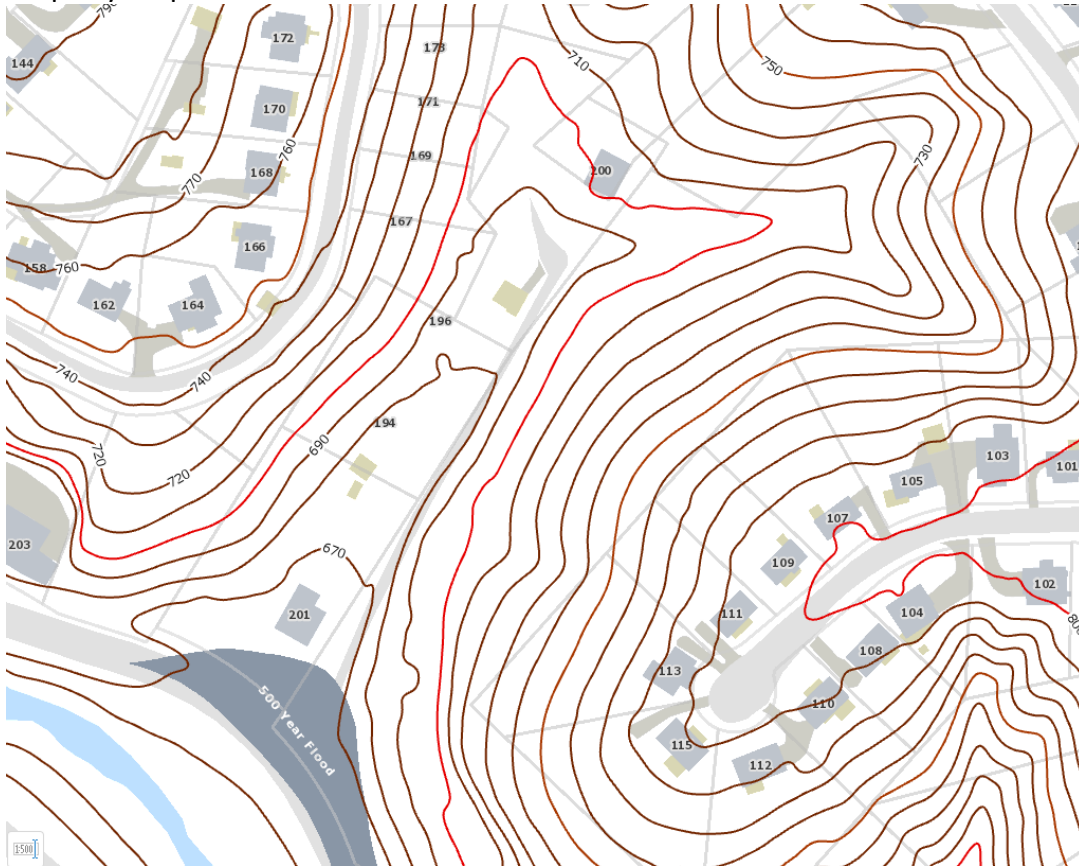
Background

All or a portion of this property has been the subject of the following Planning Commission and BZA decisions in recent years:

- February 2021 Planning Commission: Final Plat for Downer Estates – 200 Strawberry Lane and Lynda Circle
Plat was approved to establish 4 lots along Lynda Circle meeting R-1 dimensional requirements.
- March 2022 Board of Zoning Appeals: Variance request to reduce the front setback from 25 to 15 feet to disturb less of the hillside.
Request was denied by the Board of Zoning Appeals
- July 2022: Revised Final Plat for Downer Estates Lots 3, 4, 9-12
Lot lines were adjusted, but no additional lots created.
Plat was approved by the Planning Commission.
- December 2022: Planning Commission: Request to Rezone 167, 169, 171, and 173 Lynda Circle from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line. Plat proposed an increase from 4 lots to 6 lots on Lynda Circle.
Request was denied by Planning Commission.
- January 2023: Revised Final Plat for Lots 1-3 on Strawberry Lane. Property would be divided into three lots plus a utility easement that would bring sewer and water down the hill from Lynda Circle and provide adequate water supply for fire suppression.
Plat was approved by the Planning Commission.
- February 2023: Revised Final Plat for lots on Lynda Circle and Strawberry Lane. Property would be subdivided into 20 lots.
Plat was not submitted in time to receive a decision by the Planning Commission.
Discussion between Planning Commission and developer led to inclusion of neighboring property in an expanded request to be considered in March 2023.

Watchtower Investments LLC has submitted a request to rezone 167, 169, 171, 173, and 0 Lynda Circle, 192, 194, 196 and 200 Strawberry Lane, 201 Lullwater Road, Parcel 126F B 020 on Alden Avenue, and Parcel 126F B 002 on Signal Mountain Road from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line, which is to be considered at the March 16th, 2023, Planning Commission meeting. This request was submitted in order to reduce the lot width of the lots along Lynda Circle and Strawberry Lane, making a 20 lot subdivision along Strawberry Lane. Homes developed in these lots would be accessed via Strawberry Lane, which will be upgraded to become a public road maintained by the City of Red Bank.

Property Map with 10-foot Contours



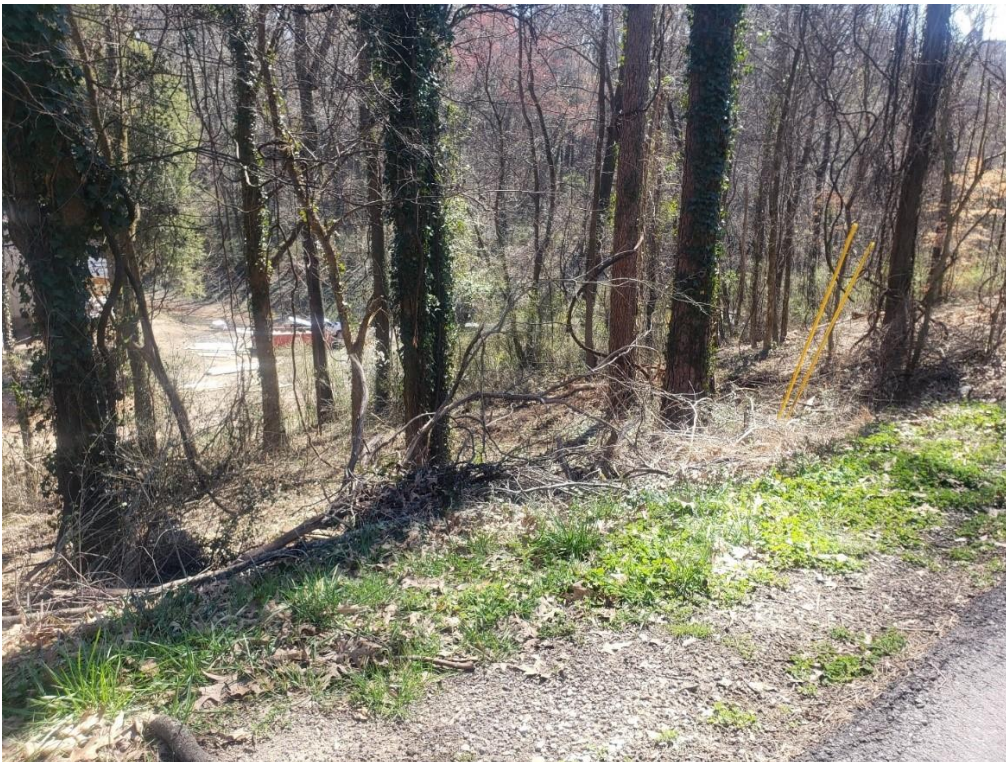
Hamilton County GIS Aerial Photo, 2022 Imagery



Lullwater Rd. at Strawberry Ln. Streetview Imagery – May 2019



Lynda Cir. Site Visit Photos – March 4th, 2022



Zoning Ordinance

In its current condition, Strawberry Ln. is approximately 558 feet long. The subject property has approximately 730 feet of road frontage along Lullwater Rd., 260 feet of road frontage along Lynda Cir., and 80 feet along Alden Ave. The developer states intent to access two lots from Alden Ave. and 36 lots from an improved Strawberry Ln. The proposed zoning of R-T/Z Residential Townhome/Zero Lot Line has a minimum width of 35 feet for single-family detached units and 24 feet for attached units. R-T/Z zoning also has a maximum density of 8 units per acre. With a total of 8 acres and accounting for slopes, utility easements, walking trails, public greenspace, and required frontage, the developer proposes 38 single family detached houses for this site.

	R-1	R-TZ
Permitted Uses	Single-family dwellings; schools; parks, playgrounds, and community buildings; golf courses; fire halls; churches; accessory uses; kindergartens; day care homes	Single-family dwellings; townhouses; single-family zero lot-line dwellings; parks, playgrounds, schools, churches, and community-owned non-profits; golf courses; accessory uses; home occupations; kindergartens
Frontage / Width	60 feet (Frontage)	Width for detached units: 35 feet Width for attached units (townhomes): 24 feet
Front Yard	25 feet	25 feet
Rear Yard	25 feet	25 feet
Side Yard	10 feet	Single family: 10 feet / 12-foot building separation Townhouse: 25 feet
Lot Size	7,500 square feet	N/A
Setback from R-1 Zone	N/A	10 feet (Landscaped)
Building size (Single Family)	1,400 square feet	N/A
Density	N/A	8 units per acre.

Land Use Plan

The development of new homes at this location would increase the housing stock in Red Bank and address Goal C of the Red Bank Land Use Plan:

C-GOAL: Attract residential developers back to Red Bank for new development and redevelopment.

ACTION: New residential zones that provide more options and diversity of development while still protecting single-family neighborhoods.

ACTION: Reduced minimum lot size standards and setback requirements to make Red Bank competitive with surrounding communities.

Compatibility with surrounding uses

This property is surrounded by single-family detached homes. While the use would be the same as surrounding property, the zoning would result in a higher density of units. Having higher density is not necessarily incompatible within established single-family neighborhoods. This proposed development would essentially be a self-contained subdivision with a new public road to access homes on the site. In theory, this design would limit traffic volume on most established, more narrow roads in the immediate area. The parcels in question are made up of a valley surrounded by steep slopes. As development of steep slopes is a concern in for the City of Red Bank, close attention should be paid to site plans to ensure compatibility with the surrounding topography.

The developer proposes the inclusion of walking trails and public greenspace to accommodate community mobility and engagement. This would be in keeping with efforts made by officials in the City of Red Bank to improve community access and connectivity.

Spot Zoning

Spot zoning is not a legal practice in Tennessee, but it is not always easy to determine if a particular rezoning can be considered spot zoning. Tennessee courts have viewed spot zoning as, “the process of singling out a small parcel of land for use classification totally different from that of the surrounding area, for the benefit of the owner of such property, and to the detriment of other owners.”

In Red Bank, the R-T/Z zone has been used in many instances to create compatible infill at a higher density than surrounding neighborhoods. The Zoning Ordinance requires a site plan to rezone a property to R-T/Z in order to ensure that rezoning within lower density areas does not result in harm to adjacent property owners.

In this instance, the developer proposes to develop land at a higher density than the surrounding neighborhood on a portion of land adjacent to Lynda Circle with steep slopes. While Red Bank can expect to have more steep slopes developed in the future as most flat land has been developed, it must be done in a responsible manner that will not cause harm to adjacent property owners. Without detailed information regarding the slope development, planning staff cannot determine whether this proposed density will be detrimental to other property owners in the area.

RECOMMENDATION

Note: Planning Staff's recommendation is based upon the information available at the time of this review and is subject to change if information contrary to this analysis is presented at any time.

Note: Planning staff cannot recommend approval until a complete site plan meeting all R-T/Z requirements has been submitted. This site plan must account for all parcels included in the request for rezoning.

- R-T/Z Site plan requirement: A site sketch plan shall be submitted with the rezoning application and shall show the following: 1) Site access and preliminary street layout 2) Type of off street parking 3) Preliminary lot design 4) Range of lot sizes 5) Number of lots 6) Acreage 7) Open space/recreation areas if provided 8) All buffer, landscape and screen areas including site specific landscape design

Staff has recommended the following corrections to the submitted site plan:

1. The road is labeled "Private Drive." The Zoning Ordinance requires that the "preliminary street layout" be shown for R-T/Z rezonings.
2. Show intended location for the fire hydrant. .
3. Show and label any public amenities as indicated in earlier communications.
4. List in the notes the following (required per the Zoning Ordinance):
 - a. Type of off-street parking proposed
 - b. Range of lot sizes
 - c. Number of Lots
 - d. Acreage
5. Show landscaped buffer areas. Type C screening is required for the boundaries adjacent to any R-1 properties.

(C) Screening Type C: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- 1) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven (7) feet apart) of shrubs spaced a maximum of eight (8) feet on-center.
- 2) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

If the Planning Commission determines that the placement of small lot single family homes on the applicant's property is compatible with the surrounding land uses, then the rezoning from R-1 to R-TZ is in alignment with the land use plan, and staff recommends approval of the rezoning request. Rezoning conditions may be required to address compatibility and topography challenges. As the developer intends to dedicate Strawberry Lane as a public road, improvements to said road should meet standards set by the Public Works department.

The Planning Commission may consider the condition of limiting density on the portion of the site on steep slopes.

Red Bank City Hall
3105 Dayton Blvd,
Red Bank, TN 37415

To Whom it May Concern,

We request the addition of our parcels:

Parcel ID: 126F B 002
Signal Mountain Rd
Chattanooga, TN 37405

Parcel ID: 126F B 020
Alden Ave
Chattanooga TN 37405

To the City Red Bank Zoning application submitted by Watch Tower Investments, LLC on 2-3-23
for the Strawberry Lane Development for the purposes of rezoning from R1 to RTZ.

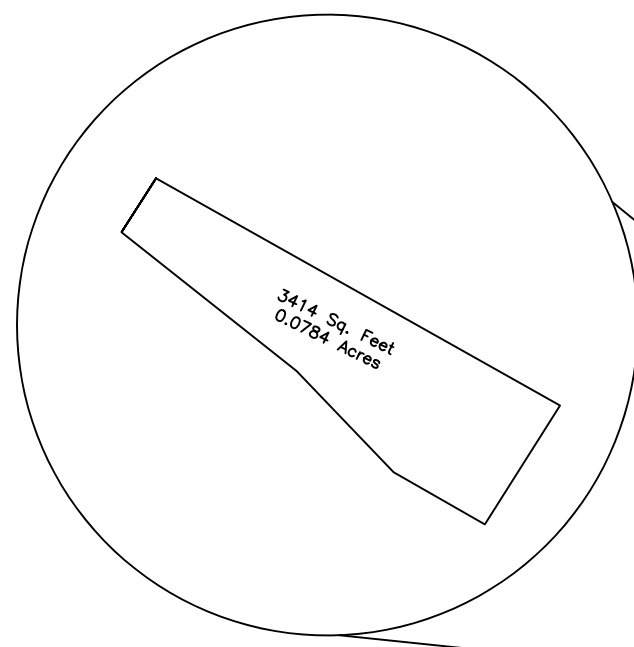
Please contact us for any questions or concerns.

Kammer Holdings, LLC
514 Tremont St. Suite 104
Chattanooga, TN 37405
423-605-2841

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel Kammer', with a stylized flourish at the end.

Samuel Kammer



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT OR MAP REPRESENTS A CATEGORY 1 SURVEY WITH A RATIO OF PRECISION OF THE UNADJUSTED SURVEY BEING ONE FOOT IN 15,800 FEET AND THAT SAID SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE AS PROMULGATED BY THE STATE OF TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYING AS OF MARCH 17, 2011.

JEFF C. DAWSON, LS 2339, CFM

DATE _____

OWNER'S CERTIFICATION

I/WE ADOPT THIS AS OUR PLAN OF SUBDIVISION AND CERTIFY THAT I/WE ARE THE OWNER/OWNERS OF THE PROPERTY IN FEE SIMPLE.

WATCH TOWER INVESTMENTS LLC
3114 COLYAR DRIVE
CHATTANOOGA, TN 37404
(423) 509-5881

VF: 62- WATCH TOWER INV.-4
FB: 252-3
FF: 47-338
JOB: 22-211
DRAFTED BY: TABITHA PFEIFFER
CHECKED BY: JEFF DAWSON

NILES SURVEYING CO., INC.

LAND SURVEYING--MAPPING--FLOOD CONSULTATION

CERTIFICATE OF AUTHORIZATION NUMBER LSF 0000090
3962 CHURCHILL ROAD
CHATTANOOGA, TENNESSEE 37406-1616
PHONE: (423) 624-5041 FAX: (423)629-7813
EMAIL: admin@nilessurvey.com

LEGEND

-  CORNER FOUND (AS NOTED)
 ½" IRON ROD SET W/ "NILES" CAP
 CONCRETE MONUMENT FOUND
 OTP OPEN TOP PIPE
 IRF IRON ROD FOUND
 CHAINLINK FENCE
 WIRE FENCE
 WOOD FENCE

PROPOSED RTZ ZONING

KRAMMER / STRAWBERRY LANE

LOTS 1 - 20 & LOTS 1-B - 19-B
LOCATED IN THE 3RD CIVIL DISTRICT
OF HAMILTON COUNTY, TENNESSEE
1" = 40' ---- MARCH 7, 2023

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Ashley Gates, Senior Planner

Date: March 9, 2023

Subject: Steep Slope Ordinance Revisions

Background

The Planning Commission reviewed and recommended an ordinance regulating development on steep slope areas in June 2022. Red Bank City Staff, with assistance from a consultant, has prepared an alternative to the Planning Commission ordinance. This memo compares both ordinances and provides staff recommendations to combine elements of both ordinances.

Steep Slope Ordinance Comparison

The table below compares the ordinance last reviewed and recommended by the Planning Commission and a more recent version that has been presented by City Staff.

In short, the Planning Commission version applies to slopes at or above 15%, whereas the City Staff version does not apply until 25%. Both utilize a two-tiered approach, though Planning Staff has had difficulty interpreting which restrictions apply to which category in the version presented by City Staff.

Additional differences include:

- The measurement of slope. In the City Staff version, the measurement relies on elevation at the front and rear lot line, which may not be an accurate representation of slope on the parcel.
- Soil erodibility (K-factor) is not included as a factor in determining risk in the City Staff version
- The new City Staff version adds the following restrictions:
 1. Limits density based on slope, though it is not clear if density limitations would apply to the entire development or just the steep slope areas
 2. Limits to the percentage of land that may be disturbed. Again, it is not clear if the intent is to apply this to the entire development or just the steep slope areas.
 3. Height and cross-sectional depth limitations
- In contrast, the Planning Commission version relies on the protection of vegetation, a requirement to include steep slope areas as part of open space whenever open space is required, and higher engineering standards for moderate risk areas. In high-risk areas with slopes over 25%, the Planning Commission version prohibits most construction.

Slope Level	Recommended by Planning Commission	Presented by City Staff
EXEMPT	• Minor land disturbance such as gardens, home repairs • Single-family homes permitted as part of a larger common subdivision plan • Additions to single-family detached homes or duplexes resulting in less than 5,000 square feet of land disturbance • Utility connections for single- or two-family residences • Public utility maintenance • Stormwater system maintenance • City-owned property • Agricultural practices • 25%+ slope areas less than 5,000 square feet • 15-25% slope (moderate risk) areas less than 1 acre	• Minor land disturbance such as gardens, home repairs • Single-family homes permitted as part of a larger common subdivision plan • Additions under 1,000 square feet to single-family detached homes or duplexes • Utility connections for single- or two-family residences • Public utility maintenance • Stormwater system maintenance • City-owned property • Lots of record prior to adoption of this ordinance that have been approved for development • 25%+ slopes less than 5,000 square feet
0-15%	No restrictions or requirements	No restrictions or requirements
15-25%	Considered “Moderate Risk” Engineered Site Plan is required Standards: • Preserve 90% of trees greater than 6-inches in diameter within the areas with 15% slope or greater • Vegetation replacement must be native species • Natural drainage maintained, except may be diverted around a house or slope area to a natural drain • Septic must avoid slide-prone areas • Erosion and Sediment Control plan required, even under 1 acre • Grading standards must be met • If open space is required, high	No restrictions or requirements

Slope Level	Recommended by Planning Commission	Presented by City Staff
	If slippage soils present: Same as slope greater than 25% Hilltops also must meet these requirements	
25% to 40%	Considered “High Risk Areas” If open space is required, high risk areas must be preserved as open space. When open space is not required, high risk areas shall remain outside the building envelope. Development is generally prohibited except for the following: • Passive recreation • Minor utilities and driveways, provided driveways do not exceed a slope of 8% in the first 15 feet from the road/sidewalk or 15% at any point. • Geotechnical study required for utilities or driveways • Single-family homes on existing lots of record prior to 2010 if less than 1 acre is disturbed and no more than 10% of 6+ inch diameter trees are removed. These homes must meet the standards of “Moderate Risk” development.	Considered “High Risk Area” Density maximums: • 25% - 30%-- 2 dwelling units per acre • 30% - 40%-- 1 dwelling unit per acre Land Disturbance Maximum: 25% to 30% - 50% maximum 30 to 40%, 20% maximum Open Space requirements: • High risk areas will not count towards open space requirements Development Standards: • Vegetation must be preserved to the “maximum extent possible,” with approval from the Planning Commission required • Natural drainage maintained, except may be diverted around a house or slope area to a natural drain

Slope Level	Recommended by Planning Commission	Presented by City Staff
		- Septic systems must be located outside slide-prone areas Dimensional requirements - No taller than 40 feet on downhill side - No taller than 30 feet on uphill or ridgeline areas - Cross-sectional depth not to exceed 50-feet NOTE: Section 1305.03 contradicts density maximums by prohibiting development in high-risk areas, except driveways and utilities. If slippage soils are present, a geotechnical analysis is required.
40%+	Same as 25% to 40%	Density Maximum: 1 unit per 2 acres Maximum Land Disturbance: 10% Driveways and utilities may not cross slopes over 50%. Geotechnical analysis is required. Otherwise, same restrictions as 25% to 40%.

Slope Level	Recommended by Planning Commission	Presented by City Staff
		NOTE: Section 1305.03 contradicts density maximums by prohibiting development in high-risk areas, except driveways and utilities.

Staff Recommendations

Staff recommends that the original Planning Commission-approved version be updated with certain elements of the new City Staff version, including:

- Adding definitions as appropriate
- Consider increasing the slope percentages where regulations come into effect. In other words, the Planning Commission may consider adjusting the slope percentages as presented in this table:

	K-factor Less than 0.4 or slippage soils not present as indicated by soil test	K-factor greater than 0.4 or slippage soils indicated by soil tests
Slope Less 15%, not a hilltop	Low Risk	Low Risk
Slope Less 15%, hilltop	Moderate Risk	High Risk
Slope 15% to 25%	Moderate Risk	High Risk
Slope greater than 25%	High Risk	High Risk

- Add the height and cross-section depth limitations
- Adopt an official map to identify where these regulations will apply rather than relying on staff calculations

The attached Planning Staff Recommended ordinance has been updated as above, with the exception of any changes to the definition of Moderate and High Risk.

The Planning Commission must consider if they wish to prohibit development at a certain slope level.

- If development is to be prohibited at a certain slope, this slope should become the lower limit of the “High Risk” category in the attached ordinance.
- If development is not to be prohibited, staff recommends a maximum land disturbance percentage for land that is categorized as “High Risk.” The slope cut-off for what is considered a “High Risk” area should determine the percentage of land that can be disturbed. The follow is what was presented in the City Staff version of the ordinance:

<u>Percent of Slope</u>	<u>Maximum Land Disturbance</u>
25% up to 30%	50%
More than 30% up to 40%	20%
More than 40%	10%
<i>du= dwelling unit</i>	
<i>ac=acre</i>	

ORDINANCE 21-_____

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE AMENDING THE ZONING ORDINANCE # 15-1020 AND SETTING STANDARDS AND REGULATIONS WITH RESPECT TO THE DEVELOPMENT AND REDEVELOPMENT OF “STEEP SLOPES” TO BE CODIFIED AT TITLE 14 CHAPTER XII OF THE RED BANK CITY CODE AND ENTITLED MISCELANEOUS LAND DEVELOPMENT, REDEVELOPMENT AND MAINTENANCE, REGULATIONS, REQUIREMENTS AND OBJECTIVES

WHEREAS, the City Commission, City Administration and the Red Bank Planning Commission have recognized specific needs to further enhance the livability of the City as the City develops, redevelops and continues to move forward; and

WHEREAS, as development, redevelopment, and population density of the City occurs, and continues, it has become increasingly evident that, the need for enacting additional reasonable land use development and redevelopment standards are necessary, desirable and appropriate and the City Commission wishes to codify the same in readable and logical fashion while balancing all relevant concerns and issues with reasonable land usage policies and requirements and standards for the protections 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 purposes for which this Steep Slope Regulation Ordinance are enacted are for the betterment and public welfare of the citizens of the City of Red Bank, Tennessee and to encourage a “stay away from steep slopes” mentality by regulating the parameters by which steeper slopes located in the City of Red Bank can be developed and or redeveloped and by placing reasonable requirements with respect to vegetation and to discourage practices that lead to erosion and even the possibility of landslides or structural failures as relates to construction, reconstruction, development and or redevelopment and with the intent that the same encourages preservation of existing established trees, offers property owners a menu of items allowing for an array of erosion protection of vegetation types while encouraging the use of native species, defines anything above a fifteen (15%) percent grade officially a “Steep Slope,” focuses a formula to provide flexibility and choice while maintaining the integrity of steep slope developments and allows the City to view landscape plan submittals prior to the issuance of a land disturbing permit so as to allow and to permit steep slope development plans where the same are not counterproductive to the overall welfare of the citizens of the City of Red Bank, Tennessee.

NOW THEREFORE, be it ordained by the City Commission of the City of Red Bank, Tennessee that the Steep Slope Land Development and Redevelopment Regulations Ordinance is hereby adopted as follows:

14-1301 Steep Slope Land Development and Redevelopment Ordinance

Section 14-1301. Intent

1301.01 Purpose. In order to ensure the preservation of this character and the appropriate use of the hillsides, the regulations of this section are established to recognize that development of land in steep areas involves special considerations and unique development standards.

1301.02 Goals and objectives. This section is intended to achieve the following goals and objectives:

1. To promote public safety by ensuring that development on steep slope areas addresses slope stability issues in an effective manner;
2. To provide greater design flexibility and efficiency in the location of development and infrastructure, including the opportunity to reduce length and width of roads, utility runs, and the amount of grading and paving;
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
4. To preserve, enhance and in some cases restore the landscape aesthetics of the natural environment;
5. To provide for the conservation and maintenance of steep slope within city jurisdiction to achieve the above-mentioned goals;
6. To provide opportunities for developers to minimize impacts on steep slope areas;
7. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
8. To provide mechanisms to effectively enforce the requirements of this section.

14-1302 Applicability

This section shall apply to all proposed land disturbing activity on all land areas considered moderate risk and high risk based on:

- 1) Properties that contain slopes of 15 percent or more
- 2) Hilltops and ridgetops; and
- 3) Slippage soils

“Land disturbance” means any activity on property that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development,

demolition, construction, reconstruction, excavating, clearing, grading, filling and excavation.

Properties shall be categorized as either “moderate risk” or “high risk” based on the slope and slippage soil profile. Provided that the following are exempt:

- Minor land disturbing activities such as home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which result in negligible soil disturbance,
- The construction of single-family residences when built separately on subdivision lots which have been issued a permit as a part of a larger common plan of development under this Article and which have been approved and recorded in the office of the Hamilton County Register; provided that excavation is limited to foundation trenches, basements, service and sewer connections, and minor grading for driveways, yard areas and sidewalks; and provided that an Erosion and Sediment Control Plan prepared by a licensed engineer, Certified Professional in Erosion and Sediment Control (CPESC), or a TDEC Level II certified individual is submitted, or the site’s development is covered under the development’s active Stormwater Pollution Prevention Plan (SWPPP)

additions or modifications to existing detached single or two-family dwellings that result in land disturbance of less than 5,000 square feet;

- individual service and sewer connections for single or two-family residences
- agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard,
- installation, maintenance and repair of any underground public utility lines,
- maintenance and repair to any stormwater BMP deemed necessary by the City
- any emergency project that is immediately necessary for the protection of life, property, or natural resources as determined by the City.
- such other municipal functions on City owned property as the City may determine from time to time.
- Nothing within this regulation permits a property owner to discharge sediment from their property regardless of the size of the disturbance or the slope of the land. Land disturbance activities, regardless of size, may not create a nuisance condition or environmental hazard.

14-1303 Definitions

1303.01 For the purposes of this section, the following terms shall have the meaning to them as ascribed below:

1. “Artificial slope” shall mean any land-disturbing activity that creates or changes any slope or attempts to do so.
2. “Building Envelope” shall mean The foundation, roof, walls, windows and doors are all considered part of the building envelope, and they contribute to keeping it structurally

sound.

3. “Cut slope” shall mean the exposed ground surface resulting from excavation of material.
4. “Development” shall mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
5. Diameter at Breast Height shall mean means the diameter of a tree at 4.5 feet above the ground.
6. Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, cooking, sleeping and eating.
7. “Existing grade” shall mean the vertical elevation of the land as it exists on date of passage of this ordinance and prior to any method of excavation or land disturbance operations
8. “Fill slope” shall mean the exposed ground surface resulting from deposition of material.
9. Land Disturbance shall mean any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including construction, clearing and grubbing, grading, excavating, transporting and filling of land.
10. Minor Land Disturbance shall mean home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which result in negligible soil disturbance.
11. Natural Vegetation shall mean a plant community, which has grown naturally without human aid and has been left undisturbed by humans for a long time. This is termed as a virgin vegetation. Thus, cultivated crops and fruits, orchards form part of vegetation but not natural vegetation.
12. “Slope” shall mean the extent to which a land form deviates from the perfectly horizontal as expressed in percent, degree or ratio. To ensure consistent conversion between these separate methods of expressing the extent of slope, the following explanatory table is provided as part of this definition.

14-1304 Slope Measurement, Hilltop Identification and Soil Classification

A. Measurement of Slopes

- 1) Restrictions on development shall refer to pre-development site conditions.
- 2) Slopes shall be determined by dividing the vertical rise in elevation by the horizontal run of the same slope and converting the result to a percentage value.
- 3) The attached “Slope Map,” as developed from a Digital Elevation Model, is adopted as the official map depicting the land areas where the Sections 1301-1305 apply.

B. Identification of Highly Erodible and Slippage Soils

- 1) When the area of land disturbance exceeds 1.0 acres and contains land with a slope greater than 25%, but is not exempt under Part D of this section or Section 14-1202, the applicant shall hire a qualified soil scientist or geotechnical engineer to identify all areas of slippage soils present on the subject property.
- 2) Soil shall be identified as highly erodible whenever the K-Factor exceeds 0.4. The K-factor is a calculation of soil erodibility with soils greater than 0.4 being considered highly erodible, as determined by the RUSLE Equation, and published by the U.S. Department of Agriculture.

C. Identification of Hilltop Areas

- 1) Hilltops and ridgetops are areas of land with a slope of less than 15%, but where the limits of disturbance are located within 60 feet of land classified as moderate or high risk per section 14-1203 Part E moderately steep and/or very steep slope areas and that are completely surrounded by such steep slope areas.
- 2) Hilltops and ridgetops may be exempted from the requirements of this Section where the applicant can demonstrate to Planning Commission that the hilltop or ridgetop is less predominate than surrounding features and/or that proposed development activities will achieve better aesthetic and structural results than the protection standards established in this Section.

D. Identification of Specimen and Heritage Trees

- 1) Trees shall be measured by the “Diameter at Breast Height,” (DBH) which means the diameter of the tree at 4.5 feet above the ground.
- 2) **Specimen Trees** shall be trees that have a DBH of 6 inches or larger
- 3) **Heritage Trees** shall be trees that have a DBH of 19 inches or larger

E. Identification of Low, Moderate, and High-Risk Properties

Soil data and slope measurements shall be used to determine the soil erodibility risk level of a property as follows:

	K-factor Less than 0.4 or slippage soils not present as indicated by soil test	K-factor greater than 0.4 or slippage soils indicated by soil tests
Slope Less 15%, not a hilltop	Low Risk	Low Risk
Slope Less 15%, hilltop	Moderate Risk	High Risk
Slope 15% to 25%	Moderate Risk	High Risk
Slope greater than 25%	High Risk	High Risk

- F. The applicant may appeal their risk classification, as identified in Part E of Section 14-1203, to the Board of Zoning Appeals. A letter detailing the reasons for the misclassification and supporting field survey data may be submitted to the Department of

Codes Enforcement. The Board of Zoning Appeals will hold a public hearing regarding each appeal within 30 days of submittal.

G. Minimum size of steep slope areas

Except and unless construction, reconstruction and or excavations in conjunction with same are involved, the steep slopes standards of this Section do not apply to the following:

- A. Isolated High Risk areas that are less than 5,000 square feet in area. For purposes of this provision, the entire contiguous area of the steep slopes shall be included in the minimum size calculation, regardless of the number of individual lots or property lines involved.
- B. Isolated Moderate Risk areas that are less than 1 acre in area. For purposes of this provision, the entire contiguous area of the steep slopes shall be included in the minimum size calculation, regardless of the number of individual lots or property lines involved.

14-1305 High Risk Land Area Protection Standards

- A. Where open space is required as part of a development, all high-risk areas shall be preserved as open space
- B. Where open space is not required as part of a development, very steep slope areas may be located on a lot, provided that the area(s) are not located within a building envelope or areas subject to land disturbing activities.
- C. Land disturbance of high-risk areas are generally prohibited except for the following:
 - 1) Passive recreation uses, including trails for non-motorized use only;
 - 2) Minor utilities and driveways, subject to standards in the Red Bank Subdivision Regulations and this Subsection;
 - 3) No driveways or minor utilities shall cross very steep slopes greater than 50%;
 - 4) Where driveways and/or minor utilities cross very steep slopes between 25 and 50 percent, the applicant must submit a geotechnical study with findings that:
 - (a) Such driveway and/or minor utility will not have significant adverse visual, environmental or safety impacts, or appropriate engineering or other measures will be taken by the developer to substantially mitigate any such adverse impact; and
 - (b) No alternative location for access or minor utilities is feasible or available.
 - 5) The alignment of roads and driveways shall follow the natural topography to the extent practicable, minimize regrading, and comply with design standards set forth in the Red Bank Subdivision regulations.
 - a. The slope of any driveway shall not exceed 8% for the first 15 feet from the road, or where applicable, the sidewalk. At no point shall a driveway exceed 15%.
 - 6) Single family residences in the high-risk category are only permitted if they are on a lot of record and that will result in less than one (1) acre of land disturbance and will not remove any heritage trees or remove more than 10% of specimen trees.

- 7) **All homes built on high-risk land areas are subject to the same requirements as any land disturbance on Moderate Risk land, as listed in Section 14-1204.**

14-1306 Moderate Risk Land Area Protection Standards

A. Site Plan requirements

Where moderate risk land is located within a building envelope, an engineered site plan shall be required. The site plan shall contain:

- 1) The exact size, shape, and location of the lot, and the existing drainage pattern
- 2) Contours at vertical intervals of no more than two feet taken from aerial photography or field survey
- 3) The extent of natural tree cover and vegetation
- 4) A tree survey identifying the size, species and location of all trees having a diameter at breast height (DBH) of six inches or greater.
- 5) The exact area where any natural vegetation is proposed to be removed
- 6) The location and extent of colluvial soil areas as determined by soil test borings
- 7) The size, type and height of all buildings and structures proposed to be constructed
- 8) The location, slope, cut, fill, and finish elevation of the surfaces to be graded
- 9) Vertical profiles of all proposed roads, driveways, and utilities
- 10) Engineered plans for all retaining walls over 48 inches
- 11) Location of any on-site sewage disposal
- 12) If requested by the Planning Commission, a jurisdictional waters report from a licensed Qualified Hydrological Professional and Hydrologic Determination from the Tennessee Department of Environment and Conservation
- 13) 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.
- 14) When the Planning Commission determines that additional information is required, an additional soils or geotechnical engineer may be required 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.
- 15) For projects that shall disturb less than 1.0 acres, an Erosion and Sediment Control Plan prepared by a licensed engineer, Certified Professional in Erosion and Sediment Control (CPESC), or a TDEC Level II certified individual shall be submitted.

B. Development Standards

- 1) Natural vegetation shall be preserved to the maximum extent possible. Existing vegetation on slopes 15% or greater shall not be removed except as approved by the Planning Commission. No more than 10% of all trees identified by the tree survey as being greater than 6 inches in diameter at 4.5 feet height (DBH) may be removed.
- 2) Vegetation replacement standards and requirements and prohibitions requiring only native species and prohibiting/proscribing non-native species, all as set forth in Section 14-903 of the Zoning Ordinance are incorporated herein by reference as though copied verbatim and set out herein.
- 3) Natural drainage and water 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.

- 4) Where sanitary sewer is not available, on-site sewage disposal must be located to avoid slide-prone areas. Review by the Hamilton County Department of Groundwater Protection is required prior to Planning Commission Review.
- 5) Soil from excavation on the site shall not be deposited as fill on a potential slide area.
- 6) All aspects of the Hamilton County Stormwater Program shall apply.
- 7) No construction, including roads which would cut the toe of the slope, shall be permitted, except as approved as part of a soil stabilization plan submitted by a licensed geotechnical engineer.
- 8) The alignment of roads and driveways shall follow the natural topography to the extent practicable, minimize regrading, and comply with design standards set forth in the Red Bank Subdivision regulations..
 - a. The slope of any driveway shall not exceed 8% for the first 15 feet from the road, or where applicable, the sidewalk. At no point shall a driveway exceed
- 9) The maximum height of principal structures in steep slope and ridgetop areas shall be limited to two stories (maximum 30 feet) on the uphill side of the structure and three stories (maximum 40 feet) on the downhill side of the structure, regardless of height allowances elsewhere in this code. For ridgetop development where structures are not located so as to have a distinct uphill or a downhill side, the maximum height of principal structures shall be limited to two stories (maximum 30 feet). Accessory structures shall not exceed 20 feet in height on any side. For the purpose of this section, height shall be calculated as the vertical distance from existing grade to the midpoint of the peak and eave for structures with pitched roofs and from the top of the parapet or roof surface, whichever is greater, for flat-roofed structures. The maximum depth through any one cross-section of a structure shall be 50 feet in order to promote construction that is less intrusive on a slope

C. Grading and Fill Standards

- 1) All grading and fill must be properly compacted to at least at least 85 percent of the maximum unit weight (based on the modified AASHTO compaction test)
- 2) Terraces or diversions should be provided whenever the height of the cut or fill exceeds 20 feet. The "benches" should divide the slope face as equally as possible and should convey the water into stable outlets. Benches should be kept free of sediment during all phases of development.
- 3) Excavations should not be made so close to property lines as to endanger adjoining property without supporting and protecting such property from erosion, sliding, settling, or cracking.
- 4) No fill should be placed where it will slide or wash onto off site properties or be placed adjacent to the bank of a channel so as to create bank failure or reduce the natural capacity of the stream. Fills should consist of material from cut areas, borrow pits, or other approved sources.
- 5) Protective slopes around buildings should slope away from foundations and water supply wells to lower areas, drainage channels, or waterways. The minimum horizontal length should be 10 feet, except where restricted by property lines. The

- minimum vertical fall of protective slopes should be 6 inches, except that the vertical fall at the high point at the upper end of a swale may be reduced to 3 inches, if a long slope toward a building or from a nearby high bank will not exist.
- 6) Minimum gradients should be 1/16 inch per foot (1/2 percent) for concrete or other impervious surfaces and 1/4 inch per foot (2 percent) for pervious surfaces.
 - 7) Maximum gradient of protective slopes should be 2 1/2 inches per foot (21 percent) for a minimum of 4 feet away from all building walls, except where restricted by property lines.
 - 8) Maximum thickness of fill layers prior to compaction should not exceed 9 inches or as specified by the design engineer.
 - 9) All graded areas should be permanently stabilized immediately following final grading.
 - 10) All disturbed areas should be free draining, left with a neat and finished appearance, and should be protected from erosion.

D. Required submittals for all projects disturbing land that is identified as moderate-risk include:

- 1) Site Plan
- 2) Tree Survey Summary
- 3) Stormwater Pollution Prevention Plan, or Erosion and Sediment Control Plan for projects disturbing less than 1.0 acres
- 4) Geotechnical Certifications for slope stability, compaction testing, foundation design, retaining wall design, etc.
- 5) Steep Slope Permit Application
- 6) Plan Review Fee
- 7) Inspection Fee

BE IT FURTHER ORDAINED, 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 effect or impair any other section, sentence, clause, or phrase.

FINALLY, BE IT FURTHER ORDAINED 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 Personnel Policies Manual.

MAYOR HOLLIE BERRY

CITY RECORDER

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Marc Holcomb, Regional Planner

Date: March 9, 2023

Subject: Amend R-4 Special Zone to include select commercial uses as uses by Special Exceptions Permit

Staff Recommendation:

Based on prior discussions with the Planning Commission, the vacant property along Morrison Springs Road in the R-4 Zone would best serve the City by hosting a commercial use, which currently prohibited in the R-4 Zone.

R-4 has a very specific list of permitted uses which are typically not found in other zones in Red Bank.

Rather than adding uses upon review, it may be more appropriate to consider rezoning this parcel. As a gateway to this portion of the city, it could be viewed as a transitional space between commercial and residential zones. This could be a good fit for the C-3 zoning designation.

Rezoning to C-3 rather than adding commercial uses upon review to the R-4 zone prevents dilution of the R-4 zoning standards. It also increases the likelihood of this highly visible parcel attracting businesses and their tax dollars to the area.

C-3 Permitted Uses

- (A) Drug Stores
- (B) Bakeries, provided all goods are sold on premise
- (C) Stationary Stores
- (D) Shoe Stores
- (E) Florist
- (F) Music Stores
- (G) Barber/Beauty Shops
- (H) Cleaning and Laundry Establishments
- (I) Repair Shops for shoes, household articles or appliances
- (J) Offices up to 5,000 square feet, unless otherwise prohibited or subject to special exception review under Section 14-405.04 or elsewhere in the Red Bank Zoning Ordinance
- (K) Studios/Galleries
- (L) Medical and Dental Clinics, up to 5,000 square feet
- (M) Specialty Shops and Stores
- (N) Taverns, Wine and Cocktail Bars, Brew Pubs, Microbreweries, and similar uses.
- (O) Bed and Breakfast Establishments/Short Term Rental Units
- (P) Single Family Dwellings, except Manufactured or Mobile Homes.
- (Q) Townhomes and Condominiums
- (R) Banks
- (S) On Premise Signs Pursuant to the Sign Ordinance.
- (T) Accessory Buildings and uses customarily incident to the above uses, as defined in Section 14-204.11 Definitions.
- (U) In general, any use that is similar in character to the above uses and in keeping with the intent of the zoning district
- (V) Outdoor display and storage or sale of merchandise between 8:00 a.m. and 8:00 p.m. and provided further that any such display, storage or sale shall not occupy more than 33 1/3% of the frontage space of the outdoor street facing façade of the building itself nor more than 33 1/3% of any area between the front façade of the building and the public right-of-way and may not obstruct the entrance to the building to pedestrian traffic or otherwise interfere with the required minimum number of off street parking spaces available for the premises as otherwise provided.

1. Amend R-4 Special Zone to include select commercial uses as uses by Special Exceptions Permit