

Hollie Berry  
Mayor

*City of Red Bank*  
**Municipal Planning Commission**

Martin Granum  
City Manager

**WORK SESSION AGENDA**

**February 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 February 16, 2023 regular planning commission meeting:**

**A. CONSIDERATION OF THE MINUTES**

1. January 19, 2023

**B. NEW BUSINESS**

1. Watch Tower Investments LLC RTZ Application - DISCUSSION ONLY
2. Revised Steep Slope Ordinance - DISCUSSION ONLY
3. Discuss Amendment of Design Review Standards
4. Any properly presented new business

**C. UNFINISHED BUSINESS**

1. Discuss Permitted Uses in R-4 Zone
2. Any properly presented unfinished business

**D. OTHER BUSINESS**

**IV. ADJOURNMENT**

Hollie Berry  
Mayor

*City of Red Bank*  
**Municipal Planning Commission**

Martin Granum  
City Manager

**REGULAR MEETING AGENDA**

**February 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. January 19, 2023

**VI. NEW BUSINESS**

1. Watch Tower Investments LLC RTZ Application - DISCUSSION ONLY
2. Revised Steep Slope Ordinance - DISCUSSION ONLY
3. Discuss Amendment of Design Review Standards
4. Any properly presented new business

**VII. UNFINISHED BUSINESS**

1. Discuss Permitted Uses in R-4 Zone
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 6:05 PM

#### **II. ROLL CALL**

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

#### **III. INVOCATION**

Commissioner Millard gave the invocation.

#### **IV. PLEDGE OF ALLEGIANCE**

Commissioner Kelly led the Pledge of Allegiance.

#### **V. CONSIDERATION OF THE MINUTES**

Commissioner Browder asked for any corrections to the minutes from December 15, 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. Special Exceptions Permit for apartments at 2119/2101 Dayton Boulevard  
Staff Planner Marc Holcomb stated that Rise Partners was requesting a Special Exceptions Permit to build apartments in addition to commercial space. He stated that the proposed plan was a 210 unit apartment building, parking structure, and a freestanding commercial building on the south end of the development.

He stated that it must go in front of the Planning Commission because it is a Special Exceptions Permit request due to having commercial in a separate building. He stated that staff recommend approval with conditions that single-family residential uses be prohibited, and that a traffic study be conducted and recommendations implemented by the developer.

Commissioner Browder asked why this would require a Special Exceptions Permit. Marc Holcomb stated that the C-1 zone allows commercial and mixed use, but because the commercial was in a separate building it required a Special Exceptions Permit.

Geoff Smith representing Rise Partners presented his request for the Special Exceptions Permit. He stated that he wants to be part of Red Bank and make a major investment and to be part of the community. He stated that they have been through several iterations of the site development. He stated that the townhouse development proposal received a lot of feedback for higher density development.

He stated that they came up with a more impactful plan to present to the city. He states that he believes this will be a \$60 million investment in the city. He stated that the commercial portion of the site will be impactful and that they have worked with Red Bank entrepreneurs.

Commissioner Browder asked if there were any comparable apartment complexes to what they plan to build. He stated that Bluebird Road, Five Points and several North Shore developments would be comparable in quality. He stated that average size is between 950 and 1,000 square feet, averaging around \$1,700 per month in rent.

Commissioner Skonberg asked if there were any options for first floor commercial. Mr. Smith stated that they are not precluding that option, but that they do not want to end up being hamstrung with a condition on the property. He stated that from a financing standpoint banks look at first floor commercial development as more risky and more difficult to finance. He stated that he liked that type of development and would remain open minded if it ended up being possible.

Commissioner Kelly asked how the developer gathered data to understand what the community wants, and what data do they use to gauge the market for this type of apartment. Mr. Smith stated that they look at the entire region since there are no recent and comparable apartment complexes within Red Bank city limits. Commissioner Kelly asked if they looked at the vacancy rates of the apartments of the existing apartments in Red Bank. Mr. Smith stated that the Red Bank apartment complexes are not comparable to what they want to build.

Commissioner Kelly asked how long Rise Partners stay in ownership of their developments and what the upkeep requirements are. Mr. Smith stated that they are locally based and that they want to build something that they are proud of since this is their community. Commissioner Kelly asked how to avoid having the apartments becoming dumpy and low quality. Commissioner Smith stated that he would like to protect their investment and not allow it to degrade.

Commissioner Kelly asked if there are any requirements for a lower rent options. She stated that her employees have difficulty finding a place to live. Mr. Smith stated that type of product typically requires subsidization from the government. He stated that he was not going to ask the city for subsidies, and that this is a different type of product. He stated that market-driven investors require a partnership with the local government.

Commissioner Kelly asked what the impact of this development would have on the city's infrastructure. Mr. Smith stated that they have a letter from WWTa stating there is reserved sewer capacity. Mr. Eddie Clinton stated that that part of the city was not contributing to the sewer moratorium issues. Marc Holcomb stated that one of the conditions was to have a traffic study conducted with the recommendations implemented at the expense of the developer.

Commissioner Browder asked if the site could be regraded to the same level of the street. Mr. Smith stated that they are looking at regrading the site, and it may be financially viable to regrade.

Commissioner Kelly asked if there were any businesses in the existing buildings. Mr. Smith stated that Green's had moved to a new location, and the liquor store was still open. Eddie Clinton stated that the liquor store was moving across the street. Mr. Smith said that they expected to have permitting by the end of the year, and that the bicycle co-op would have plenty of time to move to a new location.

Commissioner Millard asked if the property manager would be local. Mr. Smith stated that they would use a third party, and they would hopefully have local ties. Mr. Smith stated that they would not allow short term rentals.

Commissioner Browder asked about the market about this type of product and what their research was showing. Mr. Smith stated that there is no available community in the City of Red Bank for the type of tenants that they intend to attract.

Marc Holcomb mentioned the height restriction limiting height of the buildings due to the proximity to the adjacent residential zone. He stated that would be taken into account during the design review process.

Commissioner Browder opened up a public hearing. Marc Holcomb read the rules for public hearings.

Davis Guedron of Stagg Rd asked about the design review process. He asked if multi-family was exempt from several of the requirements in the Design Review Standards. He asked if the apartment be considered multi-family. Commissioner Browder stated that it would fall under mixed use and subject to the design review standards.

Commissioner Browder closed the public hearing. She asked the developer if they add anything to add. Mr. Smith reiterated his desire to add a positive impact community.

Commissioner Skonberg stated that she was disappointed but that felt that they were choosing between apartments and something worse. Commissioner Skonbert stated that she does know that the housing units were needed.

Commissioner Browder stated that she shared the same frustration. She stated that density does drive commercial and that Dayton Boulevard businesses do want more people. She stated that this was not their vision, but that they were not the investors.

Commissioner Kelly asked how they know what the city wants, and if they could get better information to make better decisions. Commissioner Browder stated that the

current plan includes a goal for higher density housing, and that that plan had had a lot of public input. She also stated that a new plan was underway and would take a while to complete.

**Commissioner Skonberg motioned to recommend approval of special exceptions for Parcels No. 126C G 001 and 001.01, as shown in the submitted site plan, subject to the following conditions:**

- 1. Single-family detached residential structures shall be prohibited.**
- 2. Developer shall fund a traffic study, conducted by an engineering firm approved by the City, to consider the need for traffic light or flashing crosswalk. Developer will fund recommended improvements along Dayton Boulevard as determined by the City.**

**Commissioner Millard seconded the motion. All voted in favor. The motion carried.**

2. Revised Plat for Strawberry Lane

Marc Holcomb presented the plat and stated that Planning Staff would recommend approval provided the

Mr. Jason Craven of 201 Lullwater Road presented his request for approval of the final plat. He stated that he was adjusting the lot lines to build two R-1 lots due to the location of the sewer easements.

He stated that WWTa was willing to allow Tennessee American easement to overlap in order to allow a water main to be extended to Strawberry Lane for a fire hydrant. He stated that WWTa, city staff, and Tennessee American are amenable to this solution. He stated that since they own much of the property they could feasibly adjust the easement if needed.

**Commissioner Millard motioned to approve subject to required signatures. Commissioner Kelly seconded the motion. All voted in favor. The motion carried.**

3. Discuss adding permitted uses to R-4 Zone

Commissioner Browder stated that she would like to move this to the next work session. She stated that the city needs a place for all uses.

Marc Holcomb stated that a developer was interested in developing a property on Morrison Springs. He stated that this particular proposal would include uses that were not permitted in the R-4 zone. He stated that the R-4 zone was put in place to create a medical corridor, but that the area has become more civic than medical. He stated they are at the point of discussion as to whether additional commercial uses permitted on review should be added to the Zoning Ordinance.

Commissioner Browder stated that Red Bank would still need a place for some of the uses permitted only in the R-4 zone.

Commissioner Browder asked staff to complete additional research on this topic for the next Work Session. Marc Holcomb clarified that they would not like to hold a vote on this at the next meeting and that it would remain as a discussion topic.

4. Officer elections

Marc Holcomb took nominations for the Chair.

Commissioner Millard nominated Becky Browder as Chair. Commissioner Kelly seconded the nomination. All voted in favor.

Commissioner Browder nominated Sonja Millard as Vice Chair and Kate Skonberg as Secretary. Commissioner Kelly seconded the motion. All voted in favor.

5. Any properly presented new business

Commissioner Skonberg stated that Rossville has limited the types of businesses that they have enough of. She asked if the Planning Commission could place limitations on businesses that they have enough of. Eddie Clinton stated that they limited check cashing places by having a minimum distance between each store.

## **VII. UNFINISHED BUSINESS**

## **VIII. OTHER BUSINESS**

## **IX. ADJOURNMENT**

**Commissioner Browder motioned to adjourn. Commissioner Skonberg seconded the motion. The meeting adjourned at 7:22 PM.**

## Zoning Board

### Application for Zoning Amendments or Changes of Zone Use

City of Red Bank, Tennessee

#### General

The proposed change or amendment must first be referred to the Red Bank Planning Commission for a recommendation. The Board shall give at least fifteen (15) days notice of the time and place for a public hearing, which shall be held in regard to the proposed changes or amendments. The notice shall be published in a newspaper of general circulation in the city. Certified notices shall be mailed to all property owners within 200 feet for the property under consideration for a change or amendment. The cost of the application and advertising is \$100.

1. Name of Applicant: Watch Tower Investments LLC
2. Street Address: 3114 Colyer Drive
3. City: Chattanooga State: TN Zip: 37405
4. Telephone Number: 423-509-5881
5. Property Address: 167-173 Lynd Circle / Obysda Circle / 192-196 Strawberry Lane / 2116 North Rd.
6. Are you the owner of the property: Yes ☒ No ☐ 200 Strawberry Lane.  
**If you are not the owner, a letter signed by the owner agreeing to the rezoning must accompany this Application.**
7. Please attach a drawing of the property boundaries. Show all easements, utility locations, and buildings. Describe any physical characteristics of the property such as wetlands, steep grades, ravines, Etc.
8. What is the present zoning classification for the subject property? R1
9. What is the requested zone desired or proposed use of the property?  
RT2 - single family
10. Are you requesting special conditional use of the property? No
11. Is the proposed use compatible with that of surrounding properties? NO

I certify that the above information is true and accurate to the best of my knowledge and belief:

[Signature] Date: 2-3-23

Amount Paid: 100.00 Date Paid: 2-3-23

By signing this application I understand that the application fee is non-refundable.

Recommendation of the Planning Commission: \_\_\_\_\_

Date Reviewed by the Planning Commission: \_\_\_\_\_

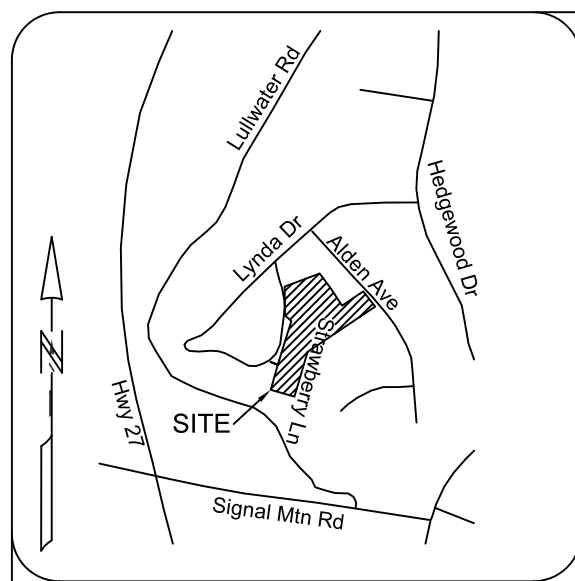
Action of the Zoning Board: \_\_\_\_\_

Date Reviewed by the Zoning Board: \_\_\_\_\_

List of any special conditions that may apply to the Zoning: \_\_\_\_\_

Approved by Ordinance Number: \_\_\_\_\_ Date: \_\_\_\_\_

Prop # 19574



LOCATION MAP  
(NOT TO SCALE)

**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.

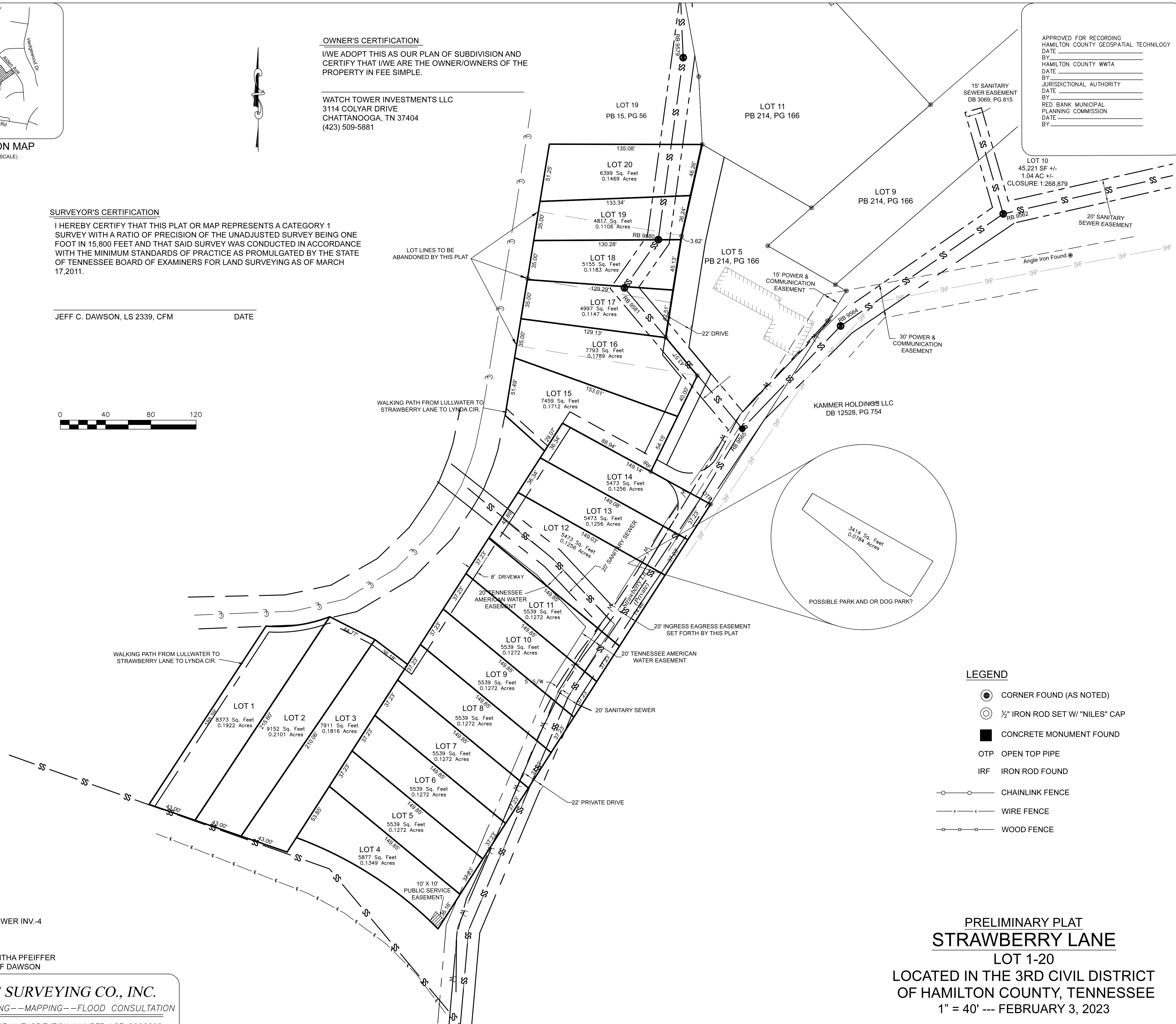
WATCH TOWER INVESTMENTS LLC  
3114 COLYAR DRIVE  
CHATTANOOGA, TN 37404  
(423) 509-5881

**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



APPROVED FOR RECORDING  
HAMILTON COUNTY GEOSPATIAL TECHNOLOGY  
DATE \_\_\_\_\_  
BY \_\_\_\_\_  
HAMILTON COUNTY WMTA  
DATE \_\_\_\_\_  
BY \_\_\_\_\_  
JURISDICTIONAL AUTHORITY  
DATE \_\_\_\_\_  
BY \_\_\_\_\_  
RED BANK MUNICIPAL  
PLANNING COMMISSION  
DATE \_\_\_\_\_  
BY \_\_\_\_\_

**LEGEND**

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

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

**PRELIMINARY PLAT**  
**STRAWBERRY LANE**  
**LOT 1-20**  
**LOCATED IN THE 3RD CIVIL DISTRICT**  
**OF HAMILTON COUNTY, TENNESSEE**  
**1" = 40' --- FEBRUARY 3, 2023**

**ORDINANCE 23-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE AMENDING ZONING ORDINANCE NO. 15-1020 AND SETTING STANDARDS AND REGULATIONS WITH RESPECT TO THE DEVELOPMENT AND REDEVELOPMENT OF “STEEP SLOPES” TO BE CODIFIED AT TITLE 14 CHAPTER XIII OF THE RED BANK CITY CODE AND ENTITLED MISCELLANEOUS 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 protection of citizens and individual land owners and of their properties, the same being intended to responsibly promote growth, development, redevelopment, stability, sustainability, and livability in the City; and

**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 discourage problematic development on steep slopes 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.

**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:

## **Chapter XIII Miscellaneous Land Development, Redevelopment, And Maintenance, Regulations, Requirements And Objectives**

### **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:

- (A) To promote public safety by ensuring that development on steep slope areas addresses slope stability issues in an effective manner;
- (B) 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;
- (C) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
- (D) To preserve, enhance and in some cases restore the landscape aesthetics of the natural environment;
- (E) To provide for the conservation and maintenance of steep slope within city jurisdiction to achieve the above-mentioned goals;
- (F) To provide opportunities for developers to minimize impacts on steep slope areas;
- (G) To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
- (H) To provide mechanisms to effectively enforce the requirements of this section.

### **Section 14-1302. Applicability**

1302.01 This section shall apply to all proposed land-disturbing activity on all land areas considered high risk based on:

- (A) Properties that contain slopes greater than or equal to 25 percent or more;
- (B) Hilltops and ridgetops;
- (C) Slippage soils; and
- (D) Additions or modifications in high-risk areas to existing detached single or two-family dwellings or structures greater than 1,000 square feet or new site disturbances encompassing more than 1,000 square feet of disturbed area. These additions and site disturbances shall include smaller additions or disturbances over a three-year period that accumulate to exceed the above limitations.

1302.02 Properties with a slope greater than or equal to 25% shall be categorized as “HIGH-RISK AREAS” based on the slope. Properties greater than 25% that may contain slippage soils and properties with a slope greater than or equal to 40% are categorized as “EXTREME HIGH-RISK AREAS”.

1302.03 The following are exempt from this chapter:

- (A) 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;
- (B) The construction of single-family residences when built separately on subdivision lots which have previously been issued a permit as a part of a larger common plan of development under this Article and which has been approved by the office of the Hamilton County Water Quality division 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 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 Storm Water Pollution Prevention Plan (SWPPP);
- (C) ADDITIONS or MODIFICATIONS to existing DETACHED single or two-family dwellings that result in land disturbance of less than 1,000 square feet;
- (D) Individual service and sewer connections for single or two-family residences;
- (E) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard;
- (F) Installation, Maintenance and Repair of any underground public utility lines;
- (G) Maintenance and repair to any Stormwater Best Management Practices deemed necessary by the City;
- (H) Any emergency project that is immediately necessary for the protection of life, property, or natural resources as determined by the City; and
- (I) Such other municipal functions on City owned property as the City may determine from time to time.

1302.04 Any portion of a lot, parcel, or tract of land which has been reviewed and/or approved for development or subdivision prior to the date of adoption of this ordinance shall not be required to comply with the provisions of this section if no further development or change to

the approved subdivision or development plan is proposed within that portion of the lot, parcel, or tract of land. For the purpose of applying this provision, approval of a subdivision plat shall not constitute approval of a development plan for the individual lots in the subdivision.

1302.05 Substantive amendments to an approved subdivision or development plan shall require full compliance with the requirements of this section. For the purpose of this section, “substantive amendments” shall include increases in the number of lots or density or intensity of development by more than 10% over that previously approved, location of a structure or structures in areas of steeper slopes than originally approved, and similar amendments that substantively increase the extent of development impact.

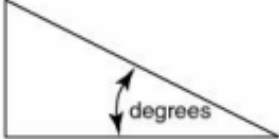
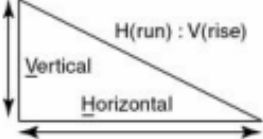
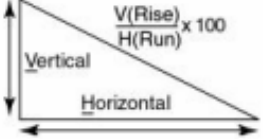
#### 14-1303 Definitions

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

- (A) “Artificial slope” shall mean any land-disturbing activity that creates or changes any slope or attempts to do so.
- (B) “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.
- (C) Construction Profile shall mean
- (D) “Cut slope” shall mean the exposed ground surface resulting from excavation of material.
- (E) “Development” shall mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filing, grading, paving, excavation or drilling operations.
- (F) Diameter at Breast Height shall mean means the diameter of a tree at 4.5 feet above the ground.
- (G) 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.
- (H) “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
- (I) Extreme High Risk Areas for the purpose of this ordinance shall mean any slope having an existing grade of 40% or greater or a grade of 25% or greater with slippage soil

- (J) “Fill slope” shall mean the exposed ground surface resulting from deposition of material.
- (K) 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.
- (L) 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.
- (M) 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.
- (N) “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.

## Slope Measurements

| Degrees                                                                             | Ratio                                                                                | Percent                                                                               |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|  |  |  |
| <b>45°</b>                                                                          | <b>1H:1V</b>                                                                         | <b>100%</b>                                                                           |
| <b>39°</b>                                                                          | <b>1.25H:1V</b>                                                                      | <b>80%</b>                                                                            |
| <b>34°</b>                                                                          | <b>1.5H:1V</b>                                                                       | <b>67%</b>                                                                            |
| <b>30°</b>                                                                          | <b>1:75H:1V</b>                                                                      | <b>57%</b>                                                                            |
| <b>27°</b>                                                                          | <b>2H:1V</b>                                                                         | <b>50%</b>                                                                            |
| <b>22°</b>                                                                          | <b>2.5H:1V</b>                                                                       | <b>40%</b>                                                                            |
| <b>18°</b>                                                                          | <b>3H:1V</b>                                                                         | <b>33%</b>                                                                            |
| <b>14°</b>                                                                          | <b>4H:1V</b>                                                                         | <b>25%</b>                                                                            |
| <b>8.5°</b>                                                                         | <b>6.7H:1V</b>                                                                       | <b>15%</b>                                                                            |

- (O) “Very Steep Slope” shall mean the extent to which a land form deviates from the perfectly horizontal as expressed in percent, degree or ratio and exceeds 50% or as otherwise may be determined by conditions within this ordinance.

## Section 14-1304. Method of Slope Measurement and Land Disturbance Requirements

### 1304.01 Measurement of Steep Slopes:

- (A) Restrictions on development shall refer to pre-development site conditions.
- (B) Minimum size of steep slope areas: Except and unless construction, reconstruction, and/or excavations in conjunction with the same are involved, the Steep Slope standards of this section do not apply to 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 Slope shall be included in the minimum size calculation, regardless of the number of individual lots or property lines involved.
- (C) 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. City officials will consider the entire parcel size when completing this calculation.

(EXAMPLE:)

If a parcel is 75 feet wide by 130 feet deep  
and

The rear of the lot as it faces a city street is 825 feet above sea level per GIS  
and

The front at the same city street is 798 feet above sea level per GIS

Then using the difference of  $825 - 798 = 27$  ft

To calculate the rise, determine the slope using the following factors:

Rise=27 feet ÷ Run=130 feet

creating the following formula:

For a slope percentage of  $27 \div 130 = .225$  or 22.5% (slope will not be rounded up)

### 1304.02 Requirements for Land Disturbance:

- (A) When the area of land disturbance exceeds 1.0 acre and contains land with a slope equal to or greater than 25% but is not exempt under Section 14-1302, the applicant shall apply for a land disturbance permit through the Hamilton County Water Quality Department and in accordance with the TDEC MS4 Phase II Storm Water Permit in effect at the time of application.
- (B) When the area of land disturbance is less than 1.0 acre and contains land with a slope greater than or equal to 25% but is not exempt under Section 14-1302, the applicant shall inquire about a land disturbance permit through the City of Red Bank Public Works Department to determine the need for a land disturbance permit

in accordance with the existing TDEC MS4 Phase II Storm Water Local Requirement. The applicant shall hire a qualified soil scientist or geotechnical engineer to identify all areas of slippage soils present on the subject property and provide 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.

#### Section 14-1305. High Risk Land Area Protection Standards

##### 1305.01 Development Density in High Risk and Extreme High Risk Areas

- (A) Where slope exceeds 25% development density shall be limited to the following:
  - 1) 25% - 30%--low density development @ 2 dwelling units per acre
  - 2) 30% - 40%--low density development @ 1 dwelling unit per acre
  - 3) 40% - and above—low density development @ 1 dwelling unit per 2 acres
- (B) Requirements of Section 14-1304 must be applied for all land disturbance activities.

##### 1305.02 Open Space Requirements in High Risk Areas

- (A) Where open space is required as part of a development, all high-risk areas shall not be considered as the open space; and
- (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.

##### 1305.03 Land disturbance of high-risk areas is generally prohibited except for the following:

- (A) Passive recreation uses, including trails for non-motorized use only; and
- (B) Minor utilities and driveways, subject to standards in the Red Bank Subdivision Regulations and this Subsection.
  - 1) No driveways or minor utilities shall cross very steep slopes greater than 50%
  - 2) Where driveways and/or minor utilities cross very steep slopes between 25 and 50 percent, the applicant must submit a geotechnical certification 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.

- 3) 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 fifteen feet from the road, or where practicable, the sidewalk.
  - b) At no point shall a driveway exceed 15% slope.

#### 1305.04 High Risk Area Development Standards

- (A) Existing vegetation on slopes greater than or equal to 25% shall not be removed except as approved by the City of Red Bank Planning Commission.
- (B) Natural vegetation shall be preserved to the maximum extent possible, but non-native invasive species may be removed and replaced with appropriate native species vegetation as approved by the City of Red Bank Planning Commission.
- (C) A Tree Survey will be provided to the City of Red Bank Planning Commission at the time of application for a High-Risk Development.
- (D) Only vegetation and trees within the construction profile may be removed.
- (E) For the remaining undisturbed area no more than 10% of all trees identified by the Tree Survey as being greater than 6 inches DBH may be removed as approved by the City of Red Bank Planning Commission.
- (F) 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 City of Red Bank Zoning Ordinance are incorporated herein by reference as though copied verbatim and set out herein. The City of Red Bank Planning Commission may vary from the standards as needed on a case- by-case basis by either adding or deleting items due to the unusual nature of the requirements.
- (G) 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.
- (H) 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.
- (I) Soil from excavation on the site shall not be deposited as fill on a potential slide area.
- (J) All aspects of the Hamilton County Stormwater Program shall apply.

- (K) No construction, including roads which would cut the toe of the slope, shall be permitted, except as approved as part of a soil stabilization/slope stability plan submitted by a licensed geotechnical engineer.

#### 1305.05 Hilltop Identification

- (A) Hilltops and ridgetops are areas of land with a slope of less than 25%, but where the limits of disturbance are located within 60 feet of land classified as HIGH RISK per Section 14-1302 and located directly above a defined steep slope area or that are surrounded by such steep slope areas.
- (B) Hilltops and ridgetops may be exempt from the requirements of this Section where the applicant can demonstrate to the City of Red Bank 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.

#### 1305.06 High Risk Area Grading and Fill Standards

- (A) The extent of grading on a property located in a steep slope area is governed by the following table:

| Density and Land Disturbance Limitations |                        |                                 |
|------------------------------------------|------------------------|---------------------------------|
| <u>Percent of Slope</u>                  | <u>Maximum Density</u> | <u>Maximum Land Disturbance</u> |
| 25% up to 30%                            | 2 du/ac                | 50%                             |
| More than 30% up to 40%                  | 1 du/1 ac              | 20%                             |
| More than 40%                            | 1 du/2 ac              | 10%                             |
| <i>du= dwelling unit</i>                 |                        |                                 |
| <i>ac=acre</i>                           |                        |                                 |

- (B) 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).
- (C) 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.

- (D) 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.
- (E) 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 as determined by the City.
- (F) 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.
- (G) 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.
- (H) 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.
- (I) Maximum thickness of fill layers prior to compaction should not exceed 9 inches or as specified by the design engineer.
- (J) All graded areas should be permanently stabilized immediately following final grading.
- (K) All disturbed areas should be free draining, left with a neat and finished appearance, and should be protected from erosion.

#### 1305.07 Extreme High Risk Areas

- (A) Geotechnical analysis required. Development in steep slope areas categorized as Extremely High Risk (having an existing grade of 40% or greater or a grade of 25% or greater with slippage soil) shall be required to undergo geotechnical analysis by a TN registered professional engineer to determine the stability of the underlying geology and soils to support the proposed development. The geotechnical analysis report shall be required to be submitted prior to the issuance of a building permit. If a geotechnical analysis has been performed for subdivision approval that includes building pad analysis for the individual lots, it is unnecessary to submit a new analysis for each lot, provided the location of structures on each lot does not change by more than 20 feet in any one direction.

#### Section 14-1306. High-Risk Area Structure Height and Depth

1306.01 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 in steep slope and ridgetop areas having a slope of 40% or more shall be 50 feet in order to promote construction that is less intrusive on a slope.

#### Section 14-1307. Required Submittals for High-Risk Land Area Projects

1307.01 The following items are required to be submitted for a high-risk land area project:

- (A) Site Plan with elevation contours
- (B) Tree Survey
- (C) Storm Water Pollution Prevention Plan
- (D) Any required present and future documentation from Hamilton County Water Quality, WWTa (Water and Wastewater Treatment Authority), or other related departments
- (E) Erosion and Sediment Control Plan for projects disturbing less than 1.0 acre
- (F) Geotechnical Certifications for soil stabilization/slope stability, compaction testing, foundation design, retaining wall design, etc.
- (G) Steep Slope Permit Application
- (H) Plan Review Fee
- (I) Inspection Fee
- (J) Other items as may be required by the City Manager depending on the scope and intensity of the project

**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.

\_\_\_\_\_  
Mayor Hollie Berry

\_\_\_\_\_  
(date)

\_\_\_\_\_  
City Recorder Tracey Perry

\_\_\_\_\_  
(date)

\_\_\_\_\_  
PASSED ON FIRST READING

\_\_\_\_\_  
PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney Arnold Stulce, Jr.

*(Red Bank Design Review Standards Excerpt for Revision)*

B. Applicability

Unless exempt under section D. Exemptions below, the Red Bank Design Review Ordinance shall apply to all development in all present or future commercial zoning districts, and any other development on property abutting Dayton Boulevard within the corporate limits of the City of Red Bank (See Figure 1).

The Design Review Ordinance shall be applied to development activities that involve:

1. New construction of a primary structure
2. A major renovation or addition to any existing or then existing commercial structure;
3. All new parking lots or parking structures, or existing and/or then existing parking lots that exceed 50 spaces
4. An exterior renovation or addition involving a building facade, signage, fencing, landscaping, or other structures visible from the public right-of-way.

Major renovation shall mean any renovation, restoration, modification, addition, or retrofit of a structure that exceeds ~~thirty~~ **sixty** percent (60%) of the current appraised value of the structure as established by the Hamilton County Property Assessor office. Major renovation shall not include routine maintenance and repair of an existing structure.

*(Red Bank R-4 Special Zone Permitted and Prohibited Uses)*

SECTION 14-306. R-4 Special Zone

306.01(A) Permitted Uses

(A) Single-family, two-family, and Multiple family dwelling. Single-family

dwellings exclude factory manufactured homes constructed as a selfcontained unit and mounted on a single chassis. Two-family and multifamily dwellings are permitted only by Special Exceptions Permit from the

Red Bank City Commission upon recommendation by the Red Bank  
Planning Commission

(B) Lodging, rooming, and boarding houses and short term residential rental  
units, subject to issuance and maintenance of a short term rental permit,  
or a “Grandfathered short term rental unit permit” as required by T.C.A.  
Section 13-7-601, et seq.

(C) Colleges, schools, and libraries

(D) Churches

(E) Social agencies and other non-commercial public and semi-public uses  
subject to Special Exceptions Permit for Social Agencies if determined

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necessary by Red Bank City Commission upon recommendation by the  
Red Bank Planning Commission.

(F) Dormitories

(G) Commercial parking lots except that such uses shall require a Special  
Exceptions Permit to be issued by the Red Bank City Commission upon  
recommendation by the Red Bank Planning Commission

(H) Professional, medical or dental office, and clinics

(I) Laboratories and research centers not objectionable because of odor,  
dust, noise, or vibration

(J) Offices

(K) Parks and playgrounds

(L) Home occupations

(M) Drug stores or restaurants in office buildings.

(N) Short Term Rental Units, subject to certification and issuance and maintenance of a current short term rental permit.

(O) Hospitals and nursing homes, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

(P) Mortuaries, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

(Q) Accessory uses and buildings

(R) Day care homes

(S) Kindergartens operated by governmental units or by religious organizations

(T) Day care centers, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

(U) Kindergartens, except for those operated by governmental units or by religious organizations, except that such uses shall require a Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

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(V) Banks and branch banks.

(W) Animal hospitals and pet cemeteries and associated crematory subject to Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

(X) Radio, television and motion picture communication towers subject to

Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission. See Chapter XI Communications Towers.

(Y) Drug or alcohol, penal or correctional halfway houses or rehabilitation centers and other uses similar in character and impact subject to Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission. See Chapter X, Design Review Requirements.

(Z) Beauty shops, barbershops and hair salons by Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

(AA) Assisted and medically assisted living facilities by Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

(BB) Group homes for intellectually and developmentally disabled persons and persons who are mentally or physically handicapped operated on a noncommercial basis. Group homes are to located in detached single-family residences only. See Section 14-301.01 (K).

(CC) Group homes for intellectually and developmentally disabled persons or persons who are mentally or physically handicapped operated on a commercial basis subject to issuance of a Special Exception Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission and subject to the same requirements as for the exempt group homes. See Section 14-301.01 (K).

#### 306.01(B) Prohibited Uses

(1) Uses expressly permitted in any other zoning district unless also Expressly permitted in this zoning district.

(2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to

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the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

#### **Proposed Uses Upon Review**

**Micro-breweries and/or brew pubs**

**Outdoor Amusement**

**Retail**

**Restaurants**