

City of Red Bank
Municipal Planning Commission

WORK SESSION AGENDA

June 14, 2022

12:00 pm

Red Bank City Hall

3105 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL – Secretary

☐ Commissioner Browder

☐ Commissioner Smith

☐ Commissioner Luther

☐ Commissioner Skonberg

☐ Commissioner Millard

III. Agenda items for the June 16, 2022 regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

1. May 19, 2022

B. NEW BUSINESS

1. Request to Rezone 1014 & 1018 Lullwater Road, & 2510 Leaning Tree Lane from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line
2. Request to Rezone 510 and 543 Morrison Springs Road from R-4 Special Zone to C-1 Commercial Zone
3. Any properly presented new business

C. UNFINISHED BUSINESS

1. Steep Slope Ordinance
2. Any properly presented unfinished business

D. OTHER BUSINESS

IV. ADJOURNMENT

City of Red Bank
Municipal Planning Commission

REGULAR MEETING AGENDA

June 16, 2022

6:00 pm

Red Bank Court Room

3117 Dayton Boulevard

I. CALL TO ORDER

II. ROLL CALL – Secretary

☐ Commissioner Browder

☐ Commissioner Smith

☐ Commissioner Luther

☐ Commissioner Skonberg

☐ Commissioner Millard

III. INVOCATION – Commissioner Millard

IV. PLEDGE OF ALLEGIANCE – Commissioner Browder

V. CONSIDERATION OF THE MINUTES

1. May 19, 2022

VI. NEW BUSINESS

1. Request to Rezone 1014 & 1018 Lullwater Road, & 2510 Leaning Tree Lane from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line
2. Request to Rezone 510 and 543 Morrison Springs Road from R-4 Special Zone to C-1 Commercial Zon
3. Any properly presented new business

VII. UNFINISHED BUSINESS

1. Steep Slope Ordinance
2. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Hollie Berry
Mayor



Martin Granum
City Manager

MUNICIPAL PLANNING COMMISSION

MINUTES
March 17, 2022
6:00 p.m.
Red Bank Courtroom

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:06 PM.

II. ROLL CALL

Commissioner Skonberg called the roll. Commissioners Browder, Skonberg, Millard, and Smith were in attendance. The Commission's three planning advisors from the Southeast Tennessee Development District (Ashley Gates, Annya Shalun, and Jonathon Rush), the Mayor, and the City Manager were also present. Additional attendees are listed on the sign-in sheet.

III. INVOCATION

Commissioner Millard gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Smith lead the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. March 17, 2022 Meeting Minutes

Commissioner Browder asked for any corrections to the minutes. Commissioner Smith motioned to approve the minutes. Commissioner Skonberg seconded the motion. The motion passed.

VII. NEW BUSINESS

1. Expansion of Meeks Auctions at 5006 Dayton Blvd

Staff will send Mr. Meeks a Design Review application for his expansion of current business. No action was taken by the Planning Commission.

2. Discussion of Morrison Springs Corridor (Moved to end of Meeting)

Staff included R-4 Permitted and prohibited land uses and a map of Morrison Springs Corridor and surrounding area zoning. The Planning Commission requested to be part of the discussion for strategic planning for the comprehensive land use plan.

3. Pine Breeze (Renamed White Oak Place) Subdivision Final Plat

Staff recommends approval of the final plat subject to the acquiring of the rest of the necessary signatures. Concerns regarding erosion and drainage issues were addressed by the present engineers. The road in the subdivision is currently private but will be adopted by the City of Red Bank at a later date.

Commissioner Millard motioned to approve the final plat subject to acquiring the rest of the necessary signatures. Commissioner Smith seconded the motion. The motion passed unanimously.

4. Any properly presented new business

No other new business.

VI. UNFINISHED BUSINESS

1. Design Review of Residential Condominiums at 1109 Dayton Blvd

A variance was needed to approve parking between the building and the street. Staff recommends approve subject to the developer sending information regarding screening material for mechanical equipment and signage plan. The Planning Commission thanked the architect and engineer for updating the landscaping plan. Mike Price, engineer, explained that more variety of low-growing grass was added to the front of the site, as well as more dogwood trees near the entrance and cabana.

Commissioner Smith motioned to grant the variance to permit parking between the principal structure and the Right-of-Way. Commissioner Millard seconded the motion. The motion carried unanimously.

Commissioner Millard motioned to approve the design review of 1109 Dayton Blvd subject to later approval of mechanical equipment screening and signage plan. Commissioner Skonberg seconded the motion. The motion carried unanimously.

2. Any Properly presented unfinished business

No other unfinished business.

VIII. OTHER BUSINESS

No other business was presented. Commissioner Smith motioned to adjourn. Commissioner Millard seconded the motion. The meeting was adjourned at 7:14 PM.

The next meeting will be held on June 23rd, 2022.

Chairman

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Ashley Gates, Regional Planner

Date: June 8, 2022

Subject: Request to Rezone 1014 & 1018 Lullwater Road, & 2510 Leaning Tree Lane from R-1 Residential to R-T/Z Residential Townhome/Zero Lot-Line

SUMMARY

Property Address:	1014 & 1018 Lullwater Road, and 2510 Leaning Tree Lane	Property Owner:	Wellington Investment Properties LLC
Tax ID:	117K D 001, 014, and 016.01	Applicant:	Ingram, Gore and Associates
Deed Reference:	2766-0612 12779 0625 11951-0660	Current Zoning:	R-1
Flood Zone:	No	Requested Zoning:	R-T/Z
Current Land Use:	Undisturbed	Surrounding Zoning:	R-1, R-1A and R-T/Z
Surrounding Land Use:	Single Family Residential		
Proposed Use:	Subdivision with 30 single-family homes		
Staff Recommendation:	Approve with conditions, or approve alternate zoning		

ANALYSIS

Current and Proposed Use

The property at 1014 & 1018 Lullwater Road, and 2510 Leaning Tree Lane is vacant, undisturbed land. Ingram, Gore & Associates have requested that the property be rezoned to R-T/Z in order to build a subdivision with 30 single-family homes. The developer proposes a 750-foot-long cul-de-sac that would provide access to 30 lots. The lots are about 35-feet wide, and range in depth from about 95 feet to 285 feet.

Zoning Ordinance

The proposed development does not meet the lot width requirements of the R-1 zone, which would require a rezoning to R-T/Z. R-T/Z also allows townhomes, which is not permitted in the R-1 zone. The applicant has not indicated that they plan to build any townhomes.

	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)	35 feet (Width)
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

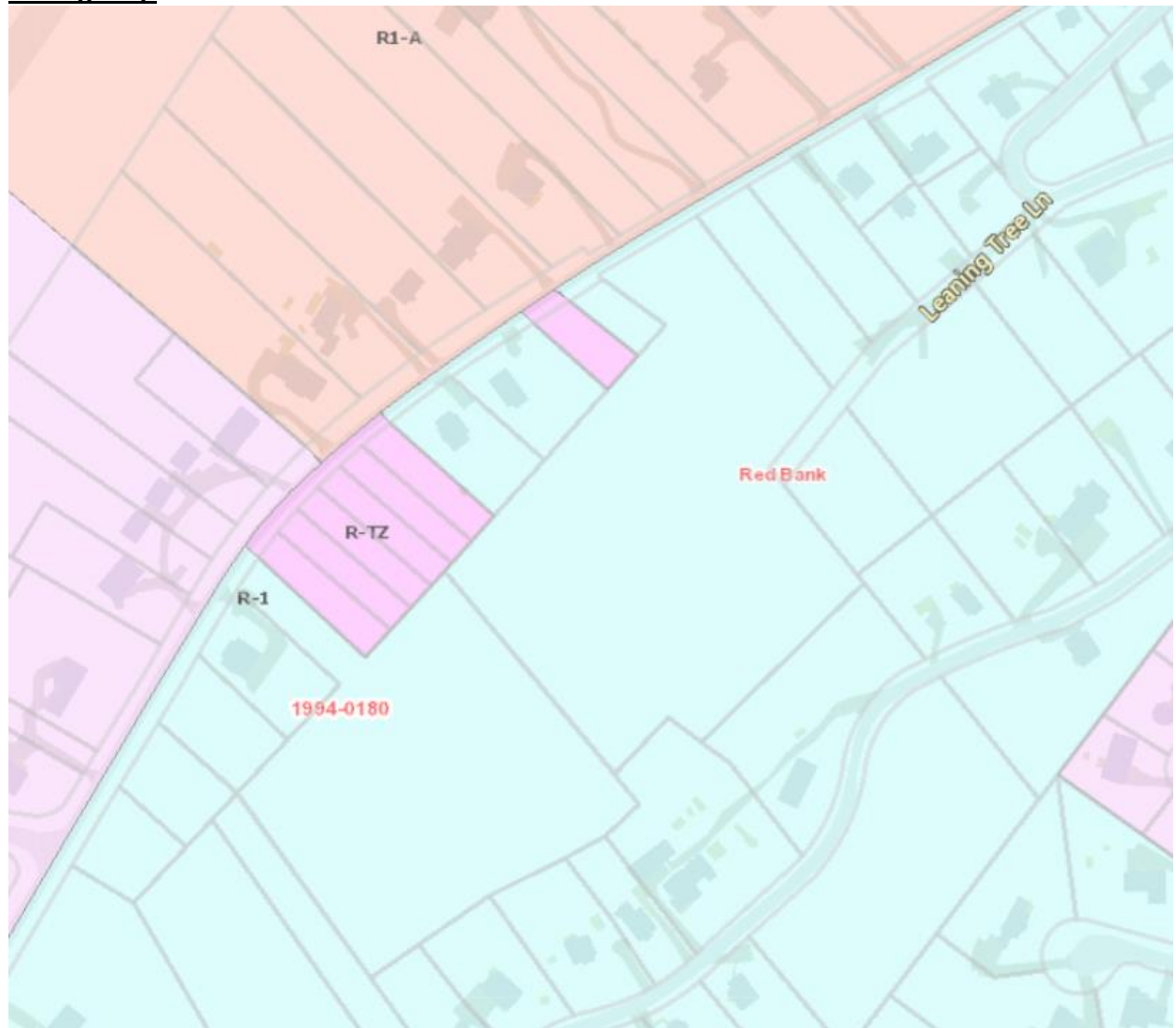
Site Plan

The site plan submitted by the applicant meets all requirements in section 310.05

310.05 (E) 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*

Zoning Map



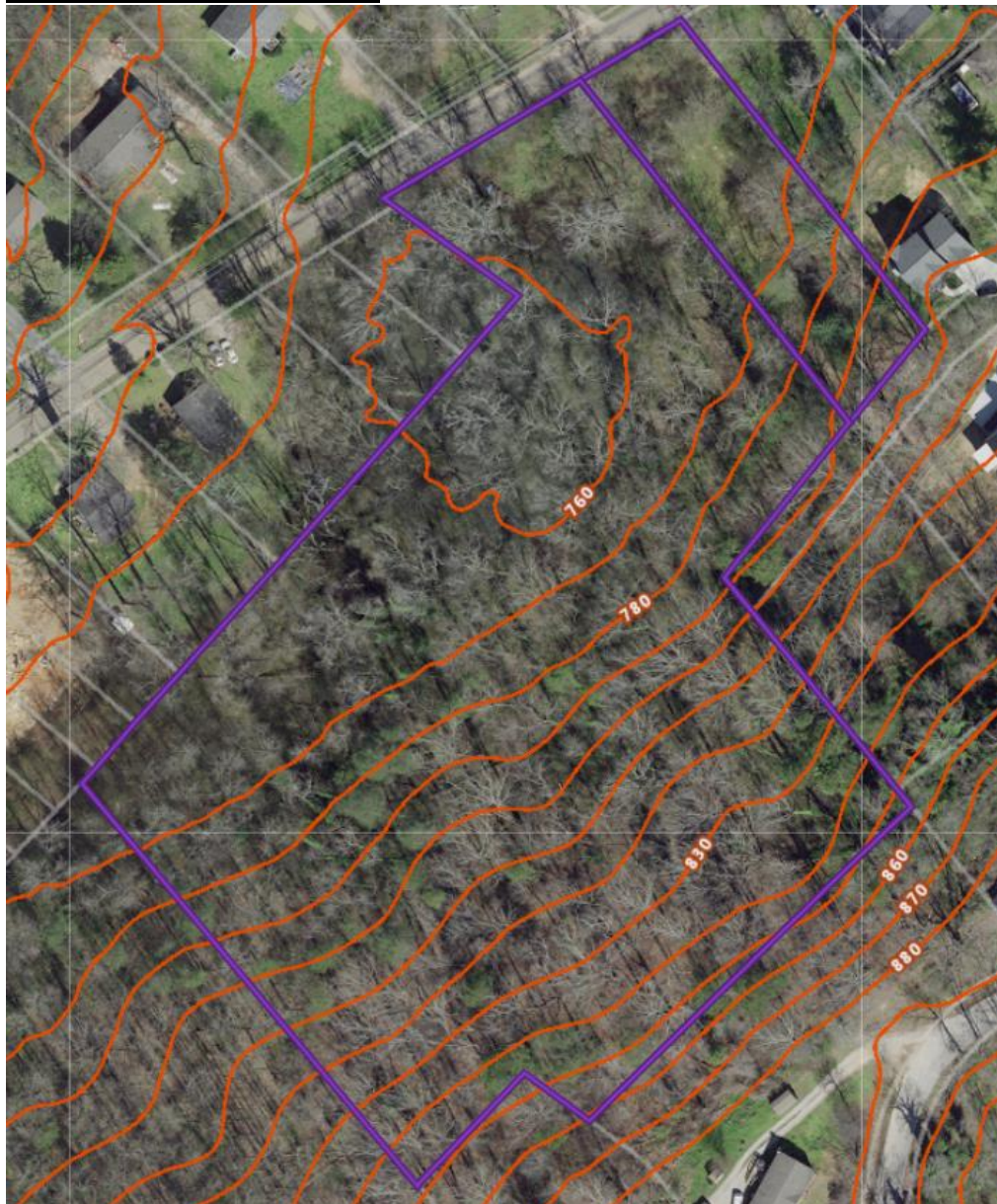
Site Conditions and Topography

This site slopes gently down from Lullwater Road, where there is a low-lying area where the developer proposes a detention pond. Within this area is a small depression in the land. The entire property is wooded with no evidence of any prior development.

The USGS National Map indicates that there may be a stream near Lullwater Road, but a recent Hydrological Determination on the abutting property at 1010 Lullwater Road does not indicate that there is a stream. A Hydrological Determination for this site may be needed as well.

Beyond the more gently sloping area, the land slopes upwards towards the rear of the property. The slope of this portion is around 25% to 30%, though the slope varies.

Aerial with 10-foot Contours



Compatibility with Surrounding Land Use

The property is situated on Lullwater Road, which is a low-traffic road situated at the bottom of the slope that leads up to Highway 27. Lullwater Road, a 20-foot-wide road, had an average daily traffic count of 479 in 2021.

The subject property abuts several vacant lots and single-family homes. These lots include both R-1 and R-T/Z zoned properties. Directly across from the are R1-A zoned properties. To the northeast, Leaning Tree Lane dead-ends near the property. The right-of-way for Leaning Tree Lane extends beyond the end of the dead end, bordering the subject property for approximately 125 feet.

The proposed density is similar to that of the existing R-T/Z-zoned properties along Lullwater, including those that abut the site. The required landscaped buffers are shown along the R-1 zoned properties.

Land Use Plan

The development of zero lot line single-family homes at this location would increase the variety of 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.

The proposed development is of a similar density to the other R-T/Z developments along Lullwater Road. However, the steep topography of the site raises concerns about storm water and erosion problems that could arise from higher density development. Without proper mitigation of these impacts, this development may be in conflict with planning principles outlined in the Red Bank 2035 plan:

The City of Red Bank adheres to a set of extensive and necessary planning principles. The planning process should:

- Be proactive and visionary
- Reflect the integration of comprehensive economic, social and environmental factors
- Promote the wise use of existing resources without compromising options for the future
- Recognize the importance of diversity in the community, including its people, cultures, values, places and natural resources
- Be inclusionary, reflecting citizen involvement
- Seek to find a balance between what is good for the community as a whole and the individual rights of its citizens
- Incorporate realistic and flexible implementation components that define specific areas of responsibilities and actions
- Facilitate new growth while protecting neighborhoods, infrastructure and the environment
- Be an ongoing process in which previously developed plans are revised periodically and updated or modified as needed

Spot Zoning

This property abuts existing R-T/Z zoned properties and does not appear to present any spot zoning concerns.

Development Challenges

Potential challenges to development include the steep slopes of the property and sewer capacity. The developer has proposed a stormwater detention pond that is shown on the site plan.

Staff has provided a map indicating the steep slope areas of the site. An elevation profile from Lullwater to the rear of the site shows slopes of around 25% - 30%. The site plan shows lots with a depth in excess of 200 feet on the steepest portion of the property. This will mitigate the impact of developing on a slope to some extent, as a significant portion of the property will be left undisturbed.

Should the proposed Steep Slope Ordinance be adopted, the site plan may need to be altered to comply and stamped, and engineered plans would need to be reviewed by the Planning Commission.

WWTA has indicated that while the area is under moratorium, capacity for 30 single-family homes has been reserved for this development.

RECOMMENDATION

The proposed residential units on the front portion of the property appear to be compatible with the adjacent development and overall development pattern of the area. These units will also increase the amount and variety of housing available, which meets the goals of the Red Bank 2035 Plan. While the lots proposed on the rear of the property are less dense than the portion closest to Lullwater Road, a rezoning would still increase the allowed density on a steep slope.

Staff recommends the following options:

1. Rezone the front portion of the development to R-T/Z, while leaving the remainder as R-1.
2. Rezone the property to R-2, with the condition that the property may only be used for a Planned Unit Development. This will allow flexibility in the lot dimensions, allowing more density in the areas that are less steep.
3. Rezone the property to R-T/Z, with a condition limiting the density of units on the steeper portions of the property.

Slope
Percent

< 15

≤ 20

≤ 25

≤ 30

≤ 1,000

Estimated Slope of Proposed Subdivision
Lullwater Heights
Current Zoning: R-1
Requested Zoning: R-T/Z

NOTE: Slopes have been estimated using a digital elevation model (DEM). Accurate measurement of slope can only be obtained through a land survey completed by a professional surveyor.

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Miles

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MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Marc Holcomb, Regional Planner

Date: June 9, 2022

Subject: Request to Rezone 510 & 546 Morrison Springs Road from R-4 to C-1

SUMMARY

Property Address:	510 Morrison Springs Road	Property Owner:	Erlanger Hospital System and Gary Jackson
Tax ID:	108L D 007-009 & 009.01	Applicant:	Octane Partners LLC
Deed Reference:	7011-0838 11870-0452	Current Zoning:	R-4
Flood Zone:	No	Requested Zoning:	C-1
Current Land Use:	Vacant with gravel area	Surrounding Zoning:	R-4 and R-1A (across Morrison Springs Rd., in Chattanooga)
Surrounding Land Use:	Community Pool; Hospital; Highway 27; Single Family Residential		
Proposed Use:	Convenience store, gas station, and two fast food restaurants		
Staff Recommendation:	Reject		

ANALYSIS

Current and Proposed Use

The property at 510 & 546 Morrison Springs Road is currently a vacant parcel with a gravel area. Octane Partners LLC has requested that the property be rezoned to C-1 in order to build convenience store, gas station, and two fast food restaurants.

Zoning Ordinance

The property on 510 & 546 Morrison Springs Road is currently empty green space with a gravel area zoned for R-4 Special Zone. Octane Partners LLC has requested that the property be rezoned to C-1 Commercial. R-4 allows for institutional uses, single-family residential, and a few select commercial uses. C-1 is the most intense commercial zone, allowing a wide variety of commercial uses. The table below compares the permitted uses by zone.

Table of Uses – C-1 and R-4 Zones

P	Permitted
SE	Special Exceptions Permit Required
X	Prohibited
A	Permitted as Accessory Use
	Not listed

Land Use	Use	C1	R4
Commercial	Adult oriented establishments of any type	SE	X
Commercial	Alternative Financial Services (Payday Lending)	SE	
Commercial	Automobile fueling stations	P	
Commercial	Automobile repair and/or maintenance and similar uses	P	
Commercial	Automobile washes, car detail and similar uses	SE	
Commercial	Bakeries, provided all goods are sold on premise	P	
Commercial	Banks	P	P
Commercial	Barber\Beauty shops	P	SE
Commercial	Bed and Breakfast Establishments	P	
Commercial	Bowling alleys, or other indoor amusement	SE	
Commercial	Cleaning and laundry establishments	P	
Commercial	Commercial parking lots	SE	SE
Commercial	Convenience stores without gasoline sales	P	
Commercial	Day care centers	P	SE
Commercial	Day care homes		P
Commercial	Dog Kennel, dog boarding, or similar uses	SE	SE
Commercial	Drug stores or restaurants in office buildings		P
Commercial	Entertainment or recreational facilities	SE	
Commercial	Florists	P	
Commercial	Funeral homes, memorial chapels, crematories and undertaking	SE	SE
Commercial	Golf courses, except driving ranges, miniature courses and other similar commercial operations		SE
Commercial	Grocery stores	P	
Commercial	Hardware stores	P	
Commercial	Health clubs and athletic facilities	P	
Commercial	Hotels/Motels	P	
Commercial	Laboratories and research centers		P
Commercial	Liquor stores	P	
Commercial	Meat and fish markets	P	
Commercial	Medical and dental offices	P	P
Commercial	Micro-breweries and/or brew pubs	P*	
Commercial	Miniature golf courses and similar outdoor amusement facilities	SE	
Commercial	Music stores	P	

Land Use	Use	C1	R4
Commercial	New or used sales facilities for autos, boats, motorcycles, farm equipment and similar uses	P	
Commercial	Offices up to 5,000 square feet, unless otherwise prohibited or subject to special exception review under Section 14-406 or elsewhere in the Red Bank Zoning Ordinance	P	
Commercial	Offices with over 5,000 square feet, unless otherwise prohibited or subject to special exception review under Section 14-406 or elsewhere in the Red Bank Zoning Ordinance	P	
Commercial	Offices	P	P
Commercial	Outdoor amusement facilities	SE	
Commercial	Outdoor sales, service, or display or storage at any time, except for outdoor seating for restaurants	P	
Commercial	Pawn, Title Pawn, check cashing and similar uses	P	
Commercial	Pet supply stores without sale of pets	P	
Commercial	Pharmacies and drug stores	P	
Commercial	Plasma Collection Centers, up to 5,000 square feet		SE
Commercial	Plumbing, electrical, radio, TV workshops and similar uses.	P	
Commercial	Plumbing, electrical, radio, TV workshops and similar uses provided no more than five (5) persons are employed and that all related trucks and equipment are not visible from Dayton Blvd or abutting residences.		
Commercial	Print shops less than 20,000 square feet		
Commercial	Repair shops for shoes, household articles or appliances		
Commercial	Restaurants and other establishments serving food and beverages	P	
Commercial	Restaurants or Delicatessens with fewer than fifty (50) seats with no drive-thru or drive-in trade or curb service	P	
Commercial	Commercial establishments up to 5,000 square feet, unless otherwise prohibited or subject to special exception review under Section 14-406 or elsewhere in the Red Bank Zoning Ordinance	P	
Commercial	Commercial establishments with over 5,000 square feet, unless otherwise prohibited or subject to special exception review under Section 14-406 or elsewhere in the Red Bank Zoning Ordinance	P	
Commercial	Shoe stores	P	
Commercial	Short-Term Rental Units	P	P
Commercial	Short-Term Rental Units - Grandfathered	P	P
Commercial	Small printer shops, except that the gross floor area shall not exceed 2,000 square feet	P	
Commercial	Specialty shops and stores	P	
Commercial	Stationary stores	P	
Commercial	Studios and art galleries	P	
Commercial	Tattoo parlors and similar uses	P	
Commercial	Taverns, bars, wine and cocktail bars, and similar uses	P	
Commercial	Theaters	P	
Commercial	Veterinarians offices	SE	
Commercial	Veterinarians offices with no outdoor run areas		

Land Use	Use	C1	R4
Other	Cemeteries		
Other	Communication towers		SE
Other	Drive-thru or Drive-in uses	SE	
Other	Home occupations	P	P
Other	Horses for personal use		
Other	On-premise signs with flashing, strobe or blinking lights or light which vary in color or intensity which are visible from outside the building		
Other	Signs advertising goods and services provided on premises subject to height, setback and size limitations provided by Ordinance of this City	P	
Other	Solar Energy Systems	A	A
Other	Parks and playgrounds		P
Institutional	Animal hospitals and pet cemeteries		SE
Institutional	Assisted living facilities	SE	SE
Institutional	Boarding and lodging houses		SE
Institutional	Colleges		P
Institutional	Community buildings		P
Institutional	Dormitories		P
Institutional	Fire Stations and other publicly owned buildings	P	P
Institutional	Fraternal, professional or hobby organizations		SE
Institutional	Group homes for intellectually, developmentally and physically handicapped persons operated on a commercial basis.		SE*
Institutional	Group homes for intellectually, developmentally and physically handicapped persons operated on a non-commercial basis.		P*
Institutional	Halfway house, alcohol and drug rehabilitation centers, or any similar use	SE	SE
Institutional	Hospitals and clinics and social agencies	SE	SE
Institutional	Kindergartens, excluding public and religious		SE
Institutional	Kindergartens, public or religious		P
Institutional	Libraries		P
Institutional	Meeting halls for civic, social and fraternal uses	P	SE
Institutional	Nursing homes	SE	SE
Institutional	Places of worship	P	P
Institutional	Residential homes for handicapped and/or aged persons operated on a commercial basis for no more than eight (8) persons.		
Institutional	Schools	P	P
Institutional	Social agencies and other non-commercial public and semipublic uses		SE
Residential	Manufactured or mobile homes	X	X
Residential	Mobile home parks, campsites and similar uses	SE*	X
Residential	Multi-family dwellings	SE	SE
Residential	Residential uses when part of a mixed-use commercial development with offices and/or commercial uses on the ground floor.	P	
Residential	Single-family detached dwellings	P	P
Residential	Townhomes, condominiums	SE	
Residential	Two-family dwellings		SE

Land Use	Use	C1	R4
Similar to Prohibited	In general, all uses which are not in keeping with the intent of this zone	X	
Similar Accessory	Accessory buildings and uses customarily incident to the above uses	P	P
Similar to Permitted	In general, any use that is similar in character and impact as the above uses	P	
Industrial	Storage or warehousing facilities, including self-storage or mini-warehouses	X	
Industrial	Laundries	SE	

Comparison of Dimensional Requirements – R-4 and C-1

	R-4	C-1
Frontage/Width	Minimum 60 feet	N/A
Front Yard	Minimum 25 feet	Minimum of 7 and Maximum of 25 for commercial uses, per the Design Review Standards
Rear Yard	Minimum 25 feet	25 feet, when adjacent to residential zone
Side Yard	Minimum 10 feet; 25 feet on side street if at an intersection	10 feet, when adjacent to residential or M-1 zone
Lot Size	The minimum lot size shall be 7,500 square feet, plus 2,000 square feet for each dwelling unit over one. Boarding houses, dormitories, fraternity, and sorority houses shall have a minimum of 10,000 square feet. The minimum frontage shall be 60 feet.	N/A
Height	No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one additional foot from all property lines.	No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone or the M-1 zone.
Parking Requirements	There shall be at least two (2) spaces per dwelling unit for duplexes and single-family dwellings. There shall	Principal parking requirements for retail uses in the Commercial Zone will be 4 spaces for each 1,000 square feet of gross leasable

	R-4	C-1
	be three (3) spaces for units with four (4) or more bedrooms. There shall be at least one and one-quarter (1 ¼) spaces per dwelling unit for apartment. Units with two or more bedrooms shall have one and three-quarter (1 ¾) spaces per dwelling unit. For fraternity, society, or boarding houses, one space for every two (2) lodgers or fraction thereof. For public uses or other uses with a chapel or auditorium, one space for every four (4) seats in the main auditorium. For hospitals and nursing homes, one space for every three (3) beds. For all other permitted uses, one space for every 200 square feet of usable floor area, excluding all service areas, such as halls and stairways.	space for all buildings or commercial centers of less than 25,000 square feet.
Building Size (Single Family)	If not part of a mixed-use residential development, a single-family dwelling shall be at least 1,200 square feet.	N/A

Compatibility with Surrounding Land Use

This parcel is surrounded by property zoned for R-4 and R-1A. A hospital, two schools, a community pool and community center, Highway 27, and single-family residential adjoin this property.

There are no commercial uses similar to the proposed convenience store and gas station in close proximity to the site. Approximately 1000 feet to the east of the site is the existing Mapco gas station, which is on the other side of Highway 27.

A gas station, convenience store and fast-food restaurants may be considered to be compatible with Highway 27 as it will primarily serve drivers that are entering and exiting the highway. However, it is significantly different from the existing institutional and residential uses on the western side of Highway 27. Placing conditions on this rezoning may mitigate the concerns with incompatibility, such as traffic mitigation and significant buffers between uses.

Land Use Plan

Red Bank does not have a proposed land use map, but the Land Use Plan does provide some goals to guide the development of property in Red Bank. The R-4 zone is intended to be used for specific purposes that would benefit from being in close proximity to the hospital. Seeking close control over the uses in this area, many of these uses require a Special Exceptions Permit. The Red Bank Land Use Plan outlines the purpose of the R-4 Special Zone:

D. New R-4 Special Zone

Because even controversial uses of property must also be allowed in some form or fashion, the new R-4 Zone is being established through the Zoning Ordinance. This Zone allows all controversial social agencies such as corrections or drug/alcohol halfway houses and similar facilities. In addition to the R-4 Zone, these uses must be approved by the Red Bank City Commission for a Special Exceptions Permit (currently not so regulated). This process assures that there is always a public hearing.

The likely increase of traffic if a gas station and fast-food stores were constructed on that property would have a likely detrimental impact on traffic flow in the nearby school zone area and residential area. The A-Goal of the Transportation section of the Land Use Plan outlines the City of Red Bank's commitment to preventing the creation of new high traffic zones:

B. Transportation

A-GOAL: Facilitate smoother traffic flow at potential choke points.

ACTION: Redesign intersection of Dayton Blvd. and Ashland Terrace to allow for easier and safer north bound right turns.

ACTION: Prevent high-intensity, high traffic producing developments from locating in areas where significant traffic increases would negatively impact low density neighborhoods and potentially hazardous intersections.

ACTION: Research pros and cons and overall feasibility of replacing tunnel with open cut.

ACTION: Add crosswalks at every Dayton Blvd. intersection as well as signs indicating that pedestrians have right-of-way.

ACTION: Finish sidewalk on Ashland Terrace.

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 this case, the proposed rezoning is for commercial use within a special use residential area. The specific request is for a commercial rezoning within a special use residential zoning area where commercial usage is specifically prohibited except by special exception (Section 306.01 (B) Prohibited Uses).

For these reasons, staff feel that the proposed rezoning may be interpreted as spot zoning.

Zoning Map



Additional Steps

This proposed development will require additional steps prior to construction, including:

1. Abandonment of the Red Bank right-of-way that crosses the property
2. Completion of the Design Review process, including a variance to allow a larger front yard setback

RECOMMENDATION

Staff recommends denying the rezoning request for the following reasons:

1. The proposed zoning appears to be spot zoning, with a potential negative impact on abutting property owners
2. The Red Bank 2035 Plan (adopted General Plan) does not recommend commercial zoning in this area, and the plan was intentional about expanding the R-4 Special Zone to include these parcels.

If the Planning Commission wishes to recommend approval of this rezoning request, staff recommends that conditions be placed on the rezoning to mitigate the impact of the zoning change on adjacent parcels. Conditions may include:

1. A traffic study to be conducted by an approved traffic engineer
2. Installation of all recommended right-of-way improvements based on the traffic study, and as required by the Red Bank Public Works Department
3. Public space/beautification project at the corner of Morrison Springs and Tom Weathers Drive
4. Limit the allowed uses to only the proposed use
5. Pedestrian improvements along Tom Weathers Drive, including trees and pedestrian level lighting

TECHNICAL MEMORANDUM

TO: Greg Tate, Public Works Director, City of Red Bank

FROM: Mark D. Heinzer, PE, LEED AP, CPESC, CPMSM

DATE: May 13, 2022

SUBJECT: Review of Draft Steep Slope Ordinance

SUMMARY

Maumee Valley Engineers reviewed the draft Steep Slope Ordinance as well as supplemental documentation provided by the Southeast Development Corporation, Publications from the Tennessee Department of Environment and Conservation (TDEC), the NRCS Web Soil Survey, and various publicly available steep slope resources.

The draft ordinance was reviewed with the goal of creating a list of considerations of elements to include, or potentially exclude, from a steep slope ordinance. Additional recommendations to the language within the draft ordinance are also provided in the attached exhibit. Lastly, a list of resources has been provided for use and consideration in drafting the final ordinance.

LIST OF CONSIDERATIONS

14-1201 APPLICABILITY

Definition of Steep Slope:

The TDEC Erosion and Sediment Control handbook, 4th Edition, defines a steep slope as:

“Steep Slope” - A natural or created slope of 35% grade or greater. Designers of sites with steep slopes must pay attention to stormwater management in the SWPPP to engineer runoff nonerosively around or over a steep slope. In addition, site managers should focus on erosion prevention on the slope(s) and stabilize the slope(s) as soon as practicable to prevent slope failure and/or sediment discharges from the project.

The Draft Ordinance defines a steep slope as anything greater than 15%

The USEPA generally considers slopes greater than 25% to be steep slopes as referenced in documents from the USEPA 2012 Green Infrastructure Technical Assistance Program. The US EPA identified steep slopes as sensitive environmental areas as far back as 1977 in Technical Document EPA-600/2-77-168, *Stormwater Runoff on Urban Areas of Steep Slope*.

Nashville Metro Municipal Ordinance- "Environmental Performance Standards" defines a steep slope as anything greater than 25%

Chattanooga defines a steep slope as anything greater than a 30% grade.

Memorandum from SETD dated April 8, 2021 recommends a two-tiered approach which identifies moderate slopes at 15% and very steep slopes at 25% and greater.

RECOMMENDATION: A tiered approach is appropriate in that it will allow for more options for how land will be developed, as opposed to a one-size fits all solution.

The proposed grades of 15% and 25% are appropriate for establishing the tiers.

14-1202 Applicability:

Property Exemptions:

- *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*

RECOMMENDATION: It is recommended that a standard detail for erosion and sediment control for single-family homes be developed and required for construction of homes that fall under a larger common plan of development and do not require their own steep slope permit.

14-1203 Slope Measurement, Hilltop Identification, and Soil Classification:

Geotechnical Engineer/Soil Scientist:

14-1203.B - Identification of Slippage Soils: The applicant shall hire a qualified soil scientist or geotechnical engineer to identify all areas of slippage soils present on the subject property, whenever the K factor exceeds 0.4 as determined by the U.S. Department of Agriculture. The K factor is a calculation of soil erodibility with soils greater than 0.4 being considered highly erodible.

RECOMMENDATION: Consider limiting this requirement to high risk parcels and moderate risk parcels greater than 1.0 (or possibly 2.0) acres. The cost of the services may outweigh the benefits for small projects.

In my experience, Slippage Soils are more related to slope stability as opposed to erodibility. Consider splitting this item into two separate lines. Slippage Soils would need to be identified by a professional however the K factors are already identified in literature.

14-1203.C(a) – Identification of Hilltop Areas: Hilltops and ridgetops are areas of land with a slope of less than 15%, located directly above moderately steep and/or very steep slope areas and that are completely surrounded by such steep slope areas.

MAUMEE VALLEY ENGINEERS, LLC
1325 NORTHGATE CIRCLE, HIXSON, TN 37343

RECOMMENDATION: Be more specific about what is meant by “directly above”. For example: “...when the limits of disturbance fall within 60 feet of moderate or high risk slope”.

14-1203.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

RECOMMENDATION: Use GIS mapping to identify parcels that are subject to the ordinance so that there is no ambiguity. Also, allow for an appeal process based on actual field survey which should be more accurate than the GIS mapping data.

14-1203.F – 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 isolated steep slope 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.

RECOMMENDATION: Consider making the moderate risk slopes have a lower limit of 1.0 (or possibly 2.0) acres and the high risk slopes subject to the 5,000 s.f. limit. This creates a more tiered approach.

14-1204 High Risk Land Area Protection Standards:

14-1204.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.

RECOMMENDATION: A map review should be conducted to determine if this would create any undevelopable lots

14-1204.C.5 - Single family residences in the high-risk category are only permitted if they are on a lot of record that was recorded prior to 2010, 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.

RECOMMENDATION: A map review should be conducted to determine if this would create any undevelopable lots

14-1205 Moderate Risk Land Area Protection Standards:

14-1205.A.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. Said engineer shall also certify such features after construction prior to issuance of the certificate of occupancy.

RECOMMENDATION: Unless the engineer has been retained throughout the construction phase to inspect the work performed by the contractor, it is unlikely that they will sign off on this.

PROPOSED ADDITION TO ORDINANCE:

14-1205.A.XX - 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, must be submitted for all projects between 0.0 and 1.0 acres. Projects greater than 1.0 acres must provide copies of the TDEC Construction general Permit and SWPPP prior to the issuance of a steep slope development permit.

12-1205.C.XX – List of Required submittals

1. Site Plan
2. Tree Survey Summary
3. Stormwater Pollution Prevention Plan
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

* The plan review should be performed by a licensed engineer and the cost of the review can be passed on to the developer so as not to burden the taxpayers. The plan review fees can be scaled based upon the size and complexity of the development.

FINALLY, BE IT FURTHER ORDAINED that this ordinance shall take effect from and after the date of its final passage

RECOMMENDATION: Have the application and plan review process in place prior to enacting the ordinance. Also, consider grandfathering projects that have already been approved by Plan Commission.

LIST OF RESOURCES:

US EPA-833-R-06-004, May 2007, "Developing Your Stormwater Pollution Prevention Plan, A Guide for Construction Sites"

US EPA-600/2-77-168, "Stormwater Runoff on Urban Areas of Steep Slope"

NRCS Web soil survey: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

Tennessee Department of Environment and Conservation - Erosion and Sediment Control Handbook:
<https://tnepsc.org/handbook.asp>

Tennessee Department of Environment and Conservation - Construction general Permit
https://tnepsc.org/2016_CGPpdfs/Permit.pdf

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.

Commented [AYG1]: Should we add a definition of "Steep Slope" to the ordinance? I don't think it is specifically defined, I used the terms "Moderate Risk" and "High Risk."

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:

14-1201 Steep Slope Land Development and Redevelopment Ordinance

14-1202 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
- 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.

14-1203 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.

B. Identification of Slippage Soils

The applicant shall hire a qualified soil scientist or geotechnical engineer to identify all areas of slippage soils present on the subject property, whenever the K factor exceeds 0.4 as determined by the U.S. Department of Agriculture. The K factor is a calculation of soil erodibility with soils greater than 0.4 being considered highly erodible.

C. Identification of Hilltop Areas

- a) Hilltops and ridgetops are areas of land with a slope of less than 15%, located directly above moderately steep and/or very steep slope areas and that are completely surrounded by such steep slope areas.
- b) 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. Minimum size of steep slope areas

Except and unless construction, reconstruction and or excavations in conjunction

Commented [mh4]: May consider limiting this requirement to high risk parcels and moderate risk parcels greater than 1.0 (or possibly 2.0) acres.

Commented [mh5]: In my experience, Slippage Soils are more related to slope stability as opposed to erodibility. Consider splitting this item into two separate lines. Slippage Soils would need to be identified by a professional however the K factors are already identified in literature.

Commented [mh6]: It would be good to reference the RUSLE Equation here which is where the K factor is used.

Commented [mh7]: Recommend being more specific about what is meant by “directly above”. For example: Limits of disturbance within 60’ of moderate or high risk slope...

Commented [AYG8]: Should we adopt an official map that identifies these properties?

Commented [mh9]: Agreed. A GIS map can serve as the baseline for identifying which parcels are covered under this ordinance.

Commented [mh10]: Consider making the moderate risk slopes have a lower limit of 1.0 (or possibly 2.0) acres and the high risk slopes subject to the 5000 s.f. limit. This creates a more tiered approach.

with same are involved, the steep slopes standards of this Section do not apply to isolated steep slope 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.

14-1204 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) Single family residences in the high-risk category are only permitted if they are on a lot of record that was recorded prior to 2010, 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.
 - 6) 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 04.

14-1205 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 ~~25'~~ 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. Said engineer shall also certify such features after construction prior to issuance of the certificate of occupancy.
- 14) When the Planning Commission determines that additional information is required, an additional soils or geotechnical engineer may be ~~employed~~ 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.

14) Erosion and Sediment Control Plan

B. Development Standards

- 1) Natural vegetation shall be preserved to the maximum extent possible. Existing vegetation of 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 a ~~s~~ part of a soil stabilization plan submitted by a licensed geotechnical engineer.
- 8) Stepped retaining walls shall be at least 10 feet apart
- 9) The alignment of roads and driveways shall follow the natural topography, minimize regrading, and comply with design standards set forth in the Red Bank Subdivision regulations

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.

Required submittals:

1. Site Plan
2. Tree Survey Summary
3. Stormwater Pollution Prevention Plan
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

10)

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