

City of Red Bank
Municipal Planning Commission

WORK SESSION AGENDA
October 19, 2021
12:00 pm
Red Bank Community Center

I. CALL TO ORDER

II. ROLL CALL – Secretary

- ☐ Commissioner Browder
- ☐ Commissioner Luther
- ☐ Commissioner Millard

- ☐ Commissioner Smith
- ☐ Commissioner Skonberg

III. Agenda items for the October 21, 2021 regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

- 1. September 16, 2021

B. NEW BUSINESS

- 1. Special Exceptions Permit for urgent care clinic at 4104 Dayton Boulevard
- 2. Design Review - Fast Pace Clinic at 4104 Dayton Boulevard
- 3. Special Use Request - Residential Condominiums at 1109 Dayton Boulevard
- 4. Request to Rezone 209 Morrison Springs Road from C-2 to C-1 - Discussion only
- 5. Any properly presented new business

C. UNFINISHED BUSINESS

- 1. Public Art Ordinance
- 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
October 21, 2021
6:00 pm
Red Bank Courtroom

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. September 16, 2021

VI. NEW BUSINESS

1. Special Exceptions Permit for urgent care clinic at 4104 Dayton Boulevard
2. Design Review - Fast Pace Clinic at 4104 Dayton Boulevard
3. Special Use Request - Residential Condominiums at 1109 Dayton Boulevard
4. Request to Rezone 209 Morrison Springs Road from C-2 to C-1 - Discussion only
5. Any properly presented new business

VII. UNFINISHED BUSINESS

1. Public Art Ordinance
2. Any properly presented unfinished business

VIII. OTHER BUSINESS

IX. ADJOURNMENT



MUNICIPAL PLANNING COMMISSION

Hollie Berry
Mayor

MINUTES
September 16, 2021
6:00 p.m.
Red Bank Courtroom

John Alexander
**Interim City
Manager**

I. CALL TO ORDER

Commissioner Browder called the meeting to order at 6:05 PM.

II. ROLL CALL

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

III. INVOCATION

Commissioner Smith gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Hafley said the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. August 19, 2021 Meeting Minutes

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

VI. NEW BUSINESS

A. Final Plat for Hartman Hills Subdivision, located at 5005 Dayton Boulevard

Staff stated that the plat had been resubmitted with the inclusion of a note stating that the sidewalk would be installed during the second phase. All other corrections to the plat had been made and staff recommended approval.

Commissioner Browder asked when they expected to have residents moving in to the development. Geoff Smith stated that they had hoped to have the first units ready to move in in June 2022. Mr. Smith stated that they would complete the units adjacent to Holiday Lane first, and when residents were moved in, all construction traffic would be routed to the construction entrance. He stated that he would work with the Public Works Director to establish a means for the garbage truck to turn around.

Commissioner Luther asked how long there would be between phases. Mr. Smith stated that they intended to moved on to Phase 2 immediately after the completion of Phase 1.

As an audience participant, Vice Mayor Dalton asked if these units would be able to be rented out as short-term rentals. Staff stated that the conditions on the rezoning ordinance prohibited short-term rental units.

Commissioner Skonberg motioned to approve the Final Plat for Hartman Hills Subdivision as submitted. Commissioner Millard seconded the motion. The motion passed unanimously.

VII. UNFINISHED BUSINESS

A. Design Review Standards – Street Tree Requirements

Staff Stated that these standards would provide more flexibility for street trees while maintaining consistency. Staff stated that these would impact only developments that fall under the design review standards.

Commissioner Skonberg motioned to recommend that the Board of Commissioners adopt the new street tree requirements in the Design Review Standards. Commissioner Luther seconded the motion. The motion passed unanimously.

B. Public Art Ordinance

Staff presented a draft of the public art ordinance that would establish a Public Arts Commission and review process for murals.

Commissioner Skonberg asked if the restrictions on the paint types was necessary. She also stated that she felt that a Citizen Advisory Board could review the mural designs rather than a Public Art Commission. The other commissioners agreed, with Commissioner Browder stating that the process starting for Citizen Advisory Boards was already established. Commissioner Browder stated that she felt the review should go before the Planning Commission rather than the Board of Commissioners.

Speaking as an audience member, Mayor Berry asked if murals should be limited to only commercial areas and requested that that restriction be removed from the ordinance. She also stated that sealant is often not appropriate for murals and recommended that the requirements be changed to “outdoor rated paint.” She also requested that standards for sculptures and memorials be included.

The topic was tabled until the next meeting.

VIII. OTHER BUSINESS

No other business was presented. Commissioner Luther motioned to adjourn. Commissioner Skonberg seconded the motion. The meeting was adjourned at 7:42 PM.

Chairman

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Greg Tate, Public Works Director

From: Ashley Gates, Regional Planner

Date: October 14, 2021

Subject: Special Exceptions Permit for urgent care clinic at 4104 Dayton Boulevard

SUMMARY

Property Address: 4104 Dayton Boulevard

Tax ID: 109J B 010.01

Property Owner: Kenneth Goldsmith

Present Zoning: C-1 Commercial

Adjacent Zoning: C-1, R-1

Purpose: To build an urgent care clinic that abuts a residential district.

Background: Fast Pace Urgent Care has submitted a Special Exceptions Permit application in order to establish an urgent care medical clinic at 4104 Dayton Boulevard. A Special Exceptions Permit is required for medical clinics on lots that abut residential districts.

Staff Recommendation: Approval.

ANALYSIS

Existing and Proposed Use

This site has a building that was previously a Pizza Hut restaurant. The developer proposes demolishing the existing building and constructing a 2,680 square foot building with a 20-space parking lot. The building will be accessed via a 25-foot wide ingress/egress at Dayton Boulevard. The clinic will house five consult/exam rooms, an X-Ray room, small lab, and reception/waiting area.

Zoning Ordinance

Section 402.03 (I) requires that medical clinics be subject to the issuance of a Special Exceptions Permit when the property abuts a residential district. This lot abuts three R-1 zoned lots, two of which have residential structures. The proposed site plan meets the following requirements of the Zoning Ordinance:

- A landscaped buffer meeting the Type B requirements (minimum 20 feet) between the parking lot and the residences
- 20 parking spaces provided, exceeding the minimum of 11 spaces
- Building situated within the setback requirements of C-1

Compatibility with Surrounding Uses

The proposed clinic is adjacent to a storage area for a street sweeping business, a fast-food restaurant, and in front of two residences. The proposed use as a clinic would add diversity to the mix of businesses along this portion of Dayton Boulevard and would offer another healthcare option to the nearby residents. The business is of similar intensity to the neighboring restaurant, and with adequate screening would not negatively impact the residents. All traffic for this business would flow to and from Dayton Boulevard, whereas the residences have frontage along Tacoma Avenue.

Land Use Plan

The proposed business adds to the diversity of businesses along Dayton Boulevard and appears to be compatible with the land use plan.

F-GOAL: Assure that certain areas of Dayton Boulevard are protected from incompatible and less desirable commercial uses and encourage new and diverse commercial development for all commercial areas.

ACTION: A new Central Business District (C-2 Zone) that prohibits any commercial use not in keeping with the existing character of the District.

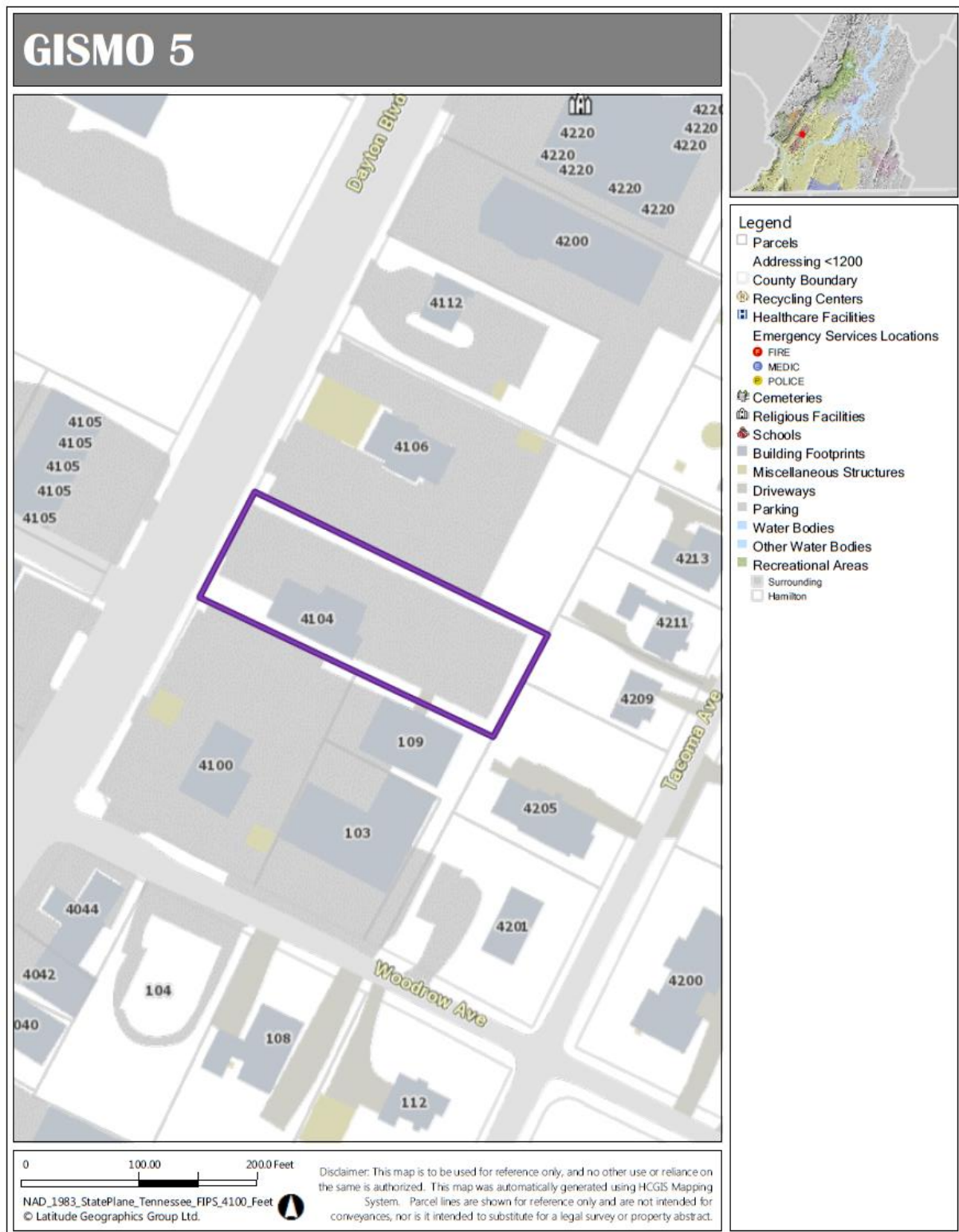
ACTION: Regulations providing for mixed-use development in commercial areas.

RECOMMENDATION

Staff recommends approval of the Special Exceptions Permit for the following reasons:

- An urgent care clinic is compatible with the neighboring commercial uses
- The screening at the rear of the property would be sufficient to limit the impact on the neighboring residences
- All traffic impacts would occur on Dayton Boulevard, not the residential street

Proposed Site, 4104 Dayton Boulevard



MEMORANDUM

To: Members of the Red Bank Planning Commission
Cc: Greg Tate, Public Works Director
From: Ashley Gates, Regional Planner
Date: October 14, 2021
Subject: Design Review of Fast Pace Clinic at 4104 Dayton Boulevard

SUMMARY

Property Address: 4104 Dayton Boulevard
Tax ID: 109J B 010.01
Property Owner: Kenneth Goldsmith
Present Zoning: C-1 Commercial
Adjacent Zoning: C-1, R-1
Purpose: To build an urgent care clinic that abuts a residential district.

Background: Fast Pace Urgent Care has submitted a design review application for a proposed medical clinic at 4104 Dayton Boulevard.

Staff Recommendation: Approval with the following recommended changes:

1. Provide a pedestrian connection to the entrance so that pedestrians may enter the building without having to walk along the side of the vehicular ingress/egress.
2. It appears that one of the HVAC units is screened from view, but the other is not. Provide screening for the second HVAC unit.

Approval of this design will require two variances:

1. Front setback of 107 feet due to the location of the floodplain at the front of the property.
2. Parking to be provided in front of the proposed building, also due to the location of the floodplain.

PEDESTRIAN ZONE

Description: This is the area between the Public Right-of-Way and the Building Zone. It includes the sidewalk, storefront area (where applicable) and tree plantings. It may also contain transit stops.

Element	Exceptions	Design Standard	Description	Y/N
Sidewalks	Existing sidewalks measuring at least 5-feet wide do not have to be altered in width.	Sidewalks must be installed and must be designed to meet current ADA Accessibility requirements.	Portion of 5-foot wide sidewalks to be replaced with new 5-foot wide sidewalk	Y
	Deviations from the standards listed may be approved by the Planning Commission or City Manager or his/her designee if necessary for sites with steep slopes or other limiting physical characteristics, and for alternative designs that are judged to meet the intent of the Design Review Ordinance.	All intrusions, such as benches or landscaping, shall maintain a pedestrian lane measuring at least 5 feet wide	No intrusions	Y
		Unless otherwise required or where larger plaza areas are provided, sidewalk dimensions and paving material shall be consistent with street frontage improvements of adjacent developments.	Class A Concrete to be used for sidewalks	Y

PEDESTRIAN ZONE

Element	Exceptions	Design Standard	Description	Y/N
Street Trees	Frontage on streets other than Dayton Blvd., Ashland Terrace and Morrison Springs Drive are not required to have street trees. Where terrain, existing lighting or drainage facilities interfere, a variance may be requested.	Street Trees will be installed in front of all new development, if applicable, on Dayton Boulevard, Ashland Terrace and Morrison Springs Drive to the maximum extent practicable.	Two Yoshino Cherry trees are proposed.	Y
		Street trees shall be planted along the right-of-way and Pedestrian Zone between the property lines at least every thirty- five (35) linear feet to the maximum extent practicable.	Two trees planted along 100-foot frontage. Additional trees not practical due to 25-foot-wide driveway.	Y
		Street trees within the Pedestrian Zone may be located in tree pits with grates or in a continuous planting strip with other plant material.	Tress are in a continuous planting strip	Y
		Street tree locations shall be coordinated with the street lighting and utility plans to minimize interference.	Trees are off set from utility poles and street lighting.	Y
		Street trees planted along Dayton Boulevard, Ashland Terrace, and Morrison Springs should be Yoshino Cherry. All others shall be of a type and size prescribed in Chapter IX of the Red Bank Zoning Ordinance or approved by the Planning Commission or City Manager based on compatibility with the urban street system.	Proposed trees are Yoshino Cherry.	Y

PEDESTRIAN ZONE

Element	Exceptions	Design Standard	Description	Y/N
Lighting	Applicable only to new development. Existing lighting that is fully functional may be utilized.	Street lighting will be installed in front of all new development on Dayton Boulevard to the maximum extent practicable.	Pedestrian-scale lighting already installed.	Y
		Street lights along or within the Pedestrian Zone shall be of the same design, type, spacing and mounting height and shall consist of lamp top post lighting matching the existing lamps.	N/A	N/A
		New lighting in the Pedestrian Zone shall be aligned with the street trees and parallel to the edge of the public right-of-way.	N/A	N/A
		Exterior lighting shall be equipped with full cut- offs to direct light downward and to minimize glare, shadows, night sky pollution, and excessive light levels.	Parking lot lighting is designed to direct light downward.	Y
Curb Cuts	Existing curb cuts that do not need to be consolidated, as determined by the City Manager, do not require plans to be submitted.	The consolidation of multiple existing curb cuts may be required by the City of Red Bank.	N/A	N/A
		Curb cut permits are required with engineered stamped plans.	Plans submitted, will be reviewed during permitting process.	Y
Storefront Area	Storefront Area between the sidewalk and building is permitted but not required . When included in the plan, it must meet requirements.	The Storefront area shall include outdoor dining, public space with seating, and / or enhanced pedestrian entrances that connect buildings with the Pedestrian Zone.	N/A	N/A

PEDESTRIAN ZONE

Element	Exceptions	Design Standard	Description	Y/N
	Exceptions to the maximum width requirement may be granted when existing buildings are utilized. The following are not permitted in the Storefront Area: a. Parking b. Chain link or slat fence c. Drive lanes d. HVAC equipment e. Dumpsters or similar containers	3. The Storefront Area shall be a maximum of eight (8) feet in width. Larger storefront areas may be approved by the Planning Commission or City Manager or his/her designee for renovations that are permitted to exceed the maximum building setback requirements in Chapter IV, Section B of the Design Review Ordinance.	N/A	

BUILDING ZONE

Description: The Building Zone is the location of the primary structure, and located between the Pedestrian Zone and the Parking Zone. Existing buildings and parking areas may remain in their existing location.

Element	Exceptions and Notes	Design Standard	Description	Y/N
Setback and Orientation	Exceptions to setback requirements in the Building Zone can be made under the following circumstances: - Exceptions due to steep slopes or other challenging physical site characteristics - A specific design due to the style or development type approved by the Planning Commission or City Manager that meets the intent, objectives and principles of the Design Review Ordinance. - Exceptions approved by the Planning Commission or City Manager where the reuse of a preexisting building precludes the maximum setback. In these cases additional mitigating landscape area and planting could be required. - Multi-family developments shall be exempt from setback standards listed in this Building Zone section. Front setback requirements in the Red Bank Zoning Ordinance may be increased or reduced by the Planning Commission or City Manager to meet the intent of the Design Review Ordinance.	New buildings must be setback minimum of seven (7) feet and a maximum of twenty-five (25) feet from the public right-of-way of any street.	The front setback is 107 feet. Staff recommends granting front setback variance due to the flood hazard area at the front of the site.	N
		New buildings must be setback zero (0) feet from the back of the sidewalk, unless a Storefront area with a maximum width of eight (8) feet is provided between the Sidewalk and the Building Zone.	N/A	
		For any building adjacent to a public street, a primary pedestrian entrance shall be provided that is easily visible from the public right-of-way. If the building has more than one side adjacent to a street, such as a corner-lot building, only one side of the building facing the street is required to have a pedestrian entrance.	A curb cut offers entry to the parking area at the Dayton Boulevard side of the parking lot. Staff recommends that a path be provided to connect entrance to the existing sidewalk.	N

BUILDING ZONE

Element	Exceptions and Notes	Design Standard	Description	Y/N
Building Façade	Complete metal buildings must be approved by both the Planning Commission and Board of Commissioners. Building facades should be designed for compatibility with other adjacent structures located close to the street.	Facades visible from the public right-of-way shall include two or more of the following architectural features: - awning, canopy or marquee, - balconies, - projecting cornices, - recessed entrances or bays, - arcades, - wall mural, or - Other architectural elements approved by the Planning Commission or City Manager.	Front façade shows awning, sills and lighting elements. Staff recommends approval.	Y
		No single approved material (excluding glass) shall exceed seventy (70%) percent of the exterior building wall(s) that is visible from a public right-of-way and shall be comprised from the following alternative materials: factory-primed fiber-cement lap siding, glass, brick, stone, hard coat stucco, pre-cast concrete, architectural metal panels, and faux stone, and other materials as approved.	Both brick and stone are shown on façade facing Dayton Boulevard.	Y
Façade Transparency	Specific alternative designs may be approved by the Planning Commission or City Manager. Tinted or reflecting glass is discouraged.	Retail Buildings: façades facing the public right-of-way shall have at least thirty percent (30%) of the façade area comprised of clear vision glass at the ground level Non-Retail Building: façades facing the public right-of-way shall have at least twenty percent (20%) of the façade area comprised of clear vision glass	N/A	N/A
			Door and windows exceed 20% requirement.	Y

BUILDING ZONE

Element	Exceptions and Notes	Design Standard	Description	Y/N
Massing	Articulation not required for facades less than 30 feet or not visible from the right-of-way. Horizontal articulations in buildings, such as building step-backs or rooftop balconies, are encouraged.	Facades longer than thirty (30) feet and visible from public right-of-way shall be broken down into smaller units through the use of articulation. Articulation may include: - offsets, - recesses, - staggered walls, - stepped walls, - pitched or stepped rooflines, - overhangs, or - other elements of the building's mass.	Roofline is stepped.	Y
Roof Expression	Multi-family developments are exempt from Roof Expression standards. Residential roof styles, including hipped and gabled roofs are discouraged. Active roofs with gardens and outdoor seating are permitted. Parapets should be extended and embellished.	Building height shall be compatible with the height of neighboring buildings that are built close to the street.	Building Height: 20' 8"	Y
		Buildings should include extended parapets, projecting cornices, or similar features that define the top of the building and create a prominent edge when viewed against the sky.	Coping provided at the top of the exterior walls	Y
		Mechanical equipment located on roof tops shall be screened from the public right-of-way.	Extended roofline will screen one unit, additional unit needs screening	N

PARKING ZONE

Description: New or existing parking facilities. Parking requirements are stated in the Red Bank Zoning Ordinance section 14-496. Shared parking agreements between adjacent developments are encouraged as a method to meet these requirements.

Element	Exceptions and Notes	Design Standard	Description	Y/N
Parking Lot Location	Requirements for the parking lot location is only for new parking lots. Other locations of parking may be approved by staff or the Planning Commission based on the development style and use.	Located to the rear of any building with the exception of preexisting buildings. If new parking with 50 or more parking spaces cannot be accommodated to the rear of the building, parking on the side of the building may be permitted if screened from the public right-of-way.	20-space parking lot is provided at the front, side and rear of the building. Staff recommends approving a variance to this requirement due to location of the flood zone at the front of the property.	N
Parking Lot Screening	Applies to new and existing parking lots Lots with fewer than 50 spaces are exempt from screening requirements	New parking lots for new construction shall not be located between a building and the street, unless otherwise approved. All new surface parking lots and existing parking lots having 50 or more parking spaces fronting the public right of way shall be screened parallel to the edge of the Pedestrian Zone. Screening shall have a minimum height of three (3) feet and a maximum height of six (6) feet above grade. Screening shall consist of: • a decorative masonry wall • landscaping • Or a combination of a decorative fence and landscaping Landscaping shall consist of evergreen plantings and/or green screens prescribed in Chapter IX of the Red Bank Zoning Ordinance or approved alternatives.	Staff recommends approval of proposed parking lot location. Parking lot is less than 50 spaces, but applicant has provided screening – 3-foot laurel shrubs. Proposed at 3 feet. Landscaping proposed – 3-foot-tall laurel shrubs Consistent with current version	N Y Y Y Y

PARKING ZONE

Element	Exceptions and Notes	Design Standard	Description	Y/N
Parking Lot Landscaping	Applies to <u>all</u> commercial zones. Parking lots with fewer than 50 spaces are exempt.	Minimum of one (1) tree for every twenty (20) spaces. Adjacent aisles shall be divided by landscaped islands that that break parking areas into blocks to the extent possible. Parking lot landscaping should incorporate best management practices (BMPs) for storm water and other green infrastructure into the design are encouraged to reduce storm water runoff and pollution. Applicants should refer to the Hamilton County Water Quality Manual for guidance on appropriate storm water BMPs for their site.	Exempt, but exceeds minimum N/A Exempt, but stormwater infrastructure is shown and appears to be adequate	Y N/A Y
Parking Lot Lighting	Existing lighting structures, fixtures and bulbs are exempt from these standards. Special interest and accent lightings are encouraged to be integrated with landscaping and streetscape features.	All New lighting fixtures and bulbs shall be LED, shielded if necessary, equipped with refractors, or placed indirectly to prevent stray upward light or direct light causing glare. New pedestrian-scale lighting should be provided on the walkways, parking lots and open spaces consistent with the character of the development. Parking lot lighting shall be appropriate to create adequate visibility at night and evenly distributed to increase security. Parking lots must have a minimum illumination of 0.8 foot-candles at the ground level. New Parking lot lighting structures shall not exceed a height of twenty (20) feet.	Exterior lighting on the sides of the structure provided. Appear to be shielded with light directed downward. Lighting on the building's exterior will provided light to walkway. Existing pedestrian lighting along Dayton Blvd. Appears to be adequate with light provided in all areas of the parking lot. No light structures proposed	Y Y Y N/A

PARKING ZONE

Element	Exceptions and Notes	Design Standard	Description	Y/N
Service Equipment Areas	Applies to <u>all</u> commercial zones.	Dumpsters, loading areas, mechanical equipment, outdoor storage areas, and other utilities readily visible from the public right-of-way shall be screened from public view to the maximum extent practicable. Screening shall consist of an opaque wall, fence, or other approved screening method.	Type of Screening: Wooden fence	Y
	Dumpsters shall be screened according to Screening Requirements found in the Red Bank Zoning Ordinance.	The height of the screen shall be a minimum of six (6) feet, and of such height adequate to completely conceal a dumpster or equipment.	Height: 6 feet	Y
	Chain link fences or slats of any material shall not be permitted.	Screen wall and fence materials shall consist of masonry, stucco, stone, wood, or decorative architectural metal or other approved designs and materials.	Material: Wood	Y
		Landscaping, including shrubs, trees, perennials, or green screens, shall be added to screening to soften the appearance of screening walls or fences.	Six Foster Holly screening shrubs proposed	Y

PARKING ZONE

Element	Exceptions and Notes	Design Standard	Description	Y/N
Fences, Walls and Screening	This section applies to <u>all</u> commercial zones. Chain link and slate fencing is not permitted to screen properties from the public right-of-way.	All new surface parking lots and existing parking lots that have 50 or more parking spaces that front the public right-of-way shall be screened from view.	Landscaped screening proposed, 3-foot-tall laurel shrubs	Y
		A wall, fence, or hedge that screens property from the public right-of-way should have a maximum height of 6 feet.	Height: 3 feet	Y
		Long stretches, over twenty (20) feet, of fencing or blank wall without intermittent elements such as posts or columns shall be avoided.	Retaining wall does not face the public right-of-way.	Y
		Walls and fences should be compatible with the architectural style, materials and colors of the principal building.	Retaining wall design not submitted, but it is not used to screen the parking lot from the public right-of-way and not subject to this requirement.	Y

SIGNAGE

Description: All signage, including those attached to the building and freestanding signs. All signs must conform to the Sign Ordinance, as enacted or subsequently amended.

NOTE: Approval of the development design does not constitute approval of the proposed signs. All applicants must apply for a sign permit.

Number of proposed building signs: 1

Number of proposed freestanding signs: 0

Proposed signs included in submitted plans? (Y/N) Y

Staff Notes:

Sign is proposed on the wall facing Dayton Avenue. Full sign plans not provided and will need to be reviewed by the building inspector and codes enforcement as part of the sign permitting process.

NATURAL FEATURES

Description: Design standards and requirements that relate to trees, vegetation, terrain and waterways.

Element	Exceptions and Notes	Design Standard	Description	Y/N
Tree Survey / Plan	A tree survey is required when the developing will disturb existing vegetation that includes trees larger than 6 inches in diameter.	On sites with existing mature trees, at least a third (33%) of specimen trees shall be preserved or transplanted on site, to the maximum extent practicable. For purposes of this section, "specimen" trees include the following: a. Deciduous trees with twenty inch (20") minimum diameter at breast height (DBH) b. Evergreen trees with twenty inch (20") minimum DBH; c. Groups or stands of seven (7) or more trees with a minimum DBH for each tree of six inches (6").	Site is developed and does not have specimen trees.	N/A
		Specimen trees in appropriate locations, such as along drainages and along the perimeter of the site may be used to fulfill landscaping or buffering requirements under the Design Review Ordinance.	N/A	N/A
		Any existing vegetation or non-specimen trees that are in appropriate locations, in sufficient quantities, and of acceptable quality to be used to fulfill landscaping or screening requirements under the Red Bank Zoning Ordinance, shall be preserved to the maximum extent practicable.	N/A	N/A
		Tree Protection during Construction: a. Specimen trees shall be protected during construction with the erection of barrier fencing. b. Specimen trees shall be identified during construction by red flagging or red paint c. Grading shall be avoided within the root area or drip line of any existing preserved trees.	N/A	N/A

NATURAL FEATURES

Element	Exceptions and Notes	Design Standard	Description	Y/N
Tree Survey / Plan		Tree Replacement: If a specimen tree flagged for preservation is removed or substantially damaged during clearing, grading, or construction, the developer shall replace the removed or damaged tree with a new tree(s). Replacement trees shall be the same or similar species to the trees removed or damaged, or alternately a species native to Hamilton County and approved by the City. For every one inch (1") of tree caliper removed or damaged, the applicant or developer shall install one inch (1") of replacement tree caliper.	N/A	N/A
Protection of Natural Features		Site plans shall show natural features, including stream corridors and wetlands, steep slopes, and existing trees.	Shown on site plan	Y
		Applicants shall show evidence of compliance with all applicable federal, state, and city laws and regulations related to preservation and protection of stream corridors and wetlands.	Existing storm conduit/creek to be stabilized as needed. NPDES Stormwater Construction Permit not required. Erosion control measures provided.	Y
		Development should be avoided on steep slopes.	Flat area of site to be used for development	Y
		Development within the floodplain should be avoided.	Building is towards the rear of the site outside of the floodplain.	Y
		Storm water runoff and pollution should be mitigated with the use of storm water management best practices. Applicants should refer to the Hamilton County Water Quality Manual for guidance on appropriate Storm water BMPs for their site.	Stormwater infrastructure is shown. Red Bank may have an engineer or building inspector review for conformity	?

NATURAL FEATURES

Element	Exceptions and Notes	Design Standard	Description	Y/N
			with stormwater requirements.	
		Storm water retention and detention ponds should be located so as to not be visible from the public right-of-way.	N/A	Y
		Buildings, parking areas, and other structures should be set back from natural features a sufficient distance to ensure their continued quality and natural functions.	Pre-existing storm conduit to remain. Proposed building to be outside of the floodplain.	Y

MEMORANDUM

To: Members of the Red Bank Planning Commission
Cc: Greg Tate, Public Works Director
From: Ashley Gates, Regional Planner
Date: October 15, 2021
Subject: Special Use Request - Residential Condominiums at 1109 Dayton Boulevard

SUMMARY

Address: 1109 Dayton Boulevard
Tax Map No.: 126N B 004.04
Owner: Northshore Storage LLC
Applicant: Method Architecture
Zoning: C-1
Proposed Use: 4-story residential building
Surrounding Uses: Storage Facility, community center/non-profit, multifamily residential
Surrounding Zoning: C-1

Background: The C-1 zone does not allow multi-family residential uses except as part of a mixed-use commercial development with only offices and/or commercial uses on the ground floor. The developer has proposed a multi-family residential use without a commercial component. They are requesting that the Planning Commission allow the use as permitted in Section 402.02 Part U:

(U) In general, any use similar in character and impact as the above uses. Final interpretation, if necessary shall be by the Red Bank City Commission upon recommendation of the Planning Commission.

Staff Recommendation: Approval with conditions

ANALYSIS

Existing and Proposed Use

The lot at 1109 Dayton Boulevard is currently vacant. An ingress/egress at Dayton Boulevard provides access to the mini storage warehouse to the rear of the lot. The lot has a retaining wall and fence along Dayton Boulevard and Frontage Road.

The proposed use is a four-story multi-family residential building. The developer intends to have 42, some with one-bedroom and some with two-bedrooms. They will range in size from 574 square feet to 929 square feet. The applicant has stated that they wish to sell the units as condominiums.

Zoning Ordinance

The zoning ordinance allows apartments in the C-1 with a special exceptions permit but only when abutting a residential zone. Residential uses are also permitted by right in the C-1 zone if the first floor is used as commercial or office space.

The proposed development does not meet either of these criteria, so the applicant is requesting that the multi-family use be considered under Section 402.02 Part U:

(U) In general, any use similar in character and impact as the above uses. Final interpretation, if necessary shall be by the Red Bank City Commission upon recommendation of the Planning Commission.

In this case, the multi-family use will share an ingress/egress with a commercial use and be in very close proximity to a commercial use. The Planning Commission may consider whether this would be similar in nature to residential uses with commercial use on the ground floor.

Land Use Plan

The land use plan very clearly calls for mixed use development along Dayton Boulevard, and the Zoning Ordinance was altered to allow this type of development. The Planning Commission must determine if having a residential building in close proximity to existing commercial meets the intent of the Land Use Plan and Zoning Ordinance.

F-GOAL: Assure that certain areas of Dayton Boulevard are protected from incompatible and less desirable commercial uses and encourage new and diverse commercial development for all commercial areas.

ACTION: A new Central Business District (C-2 Zone) that prohibits any commercial use not in keeping with the existing character of the District.

ACTION: Regulations providing for mixed-use development in commercial areas.

G-GOAL: Improve the overall quality and appearance of multi-family, office, commercial and industrial uses.

ACTION: New Design Review standards and process.

ACTION: New landscape and screening requirements.

ACTION: Mixed-use development opportunities for residential and commercial development.

H-GOAL: More compatible transitional uses between commercial and Residential development.

ACTION: New low traffic\low intensity Office Zone (O-1) to serve as buffer.

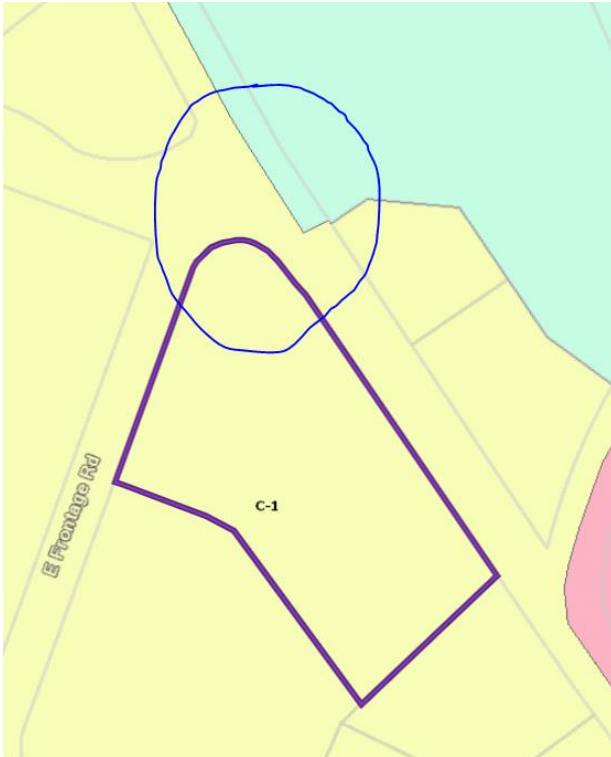
Compatibility with Surrounding Uses

This property is situated next to existing multi-family development, a storage facility, and small non-profit. Being located at the very southern end of Dayton Boulevard, very near the high-density residential area of the North Shore, the density and use appears compatible with the neighboring land uses. The main ingress/egress will be off East Frontage Road, which will limit the impact of the significant traffic on Dayton Boulevard. A traffic study as part of the Design Review process would provide a better assessment of the impact of this development on traffic.

Alternative Options

Should the Planning Commission find that this use does not meet the requirements of Section 402.02 Part U, the applicant and Planning Commission have the following options:

- Board of Zoning Appeals review to determine if the property abuts a residential district, allowing for a Special Exceptions Permit for an apartment.



- Rezone the property to R-3, which may be considered spot zoning, and would also require a special exceptions permit.
- Establish a gateway zone, which was previously considered for this property
- Adjust the Zoning Ordinance to permit multi-family dwellings in the C-1 district, either by right or through a Special Exceptions Permit

RECOMMENDATION

The following are the key considerations for this recommendation:

- With the fence and retaining wall, the site does not offer pedestrian access to if a business were to locate on the site. The parcel does not provide an attractive space for a pedestrian-oriented retail storefront.
- While the development will not include commercial space, the location will be in close proximity to commercial uses and commercially zoned property that would be more attractive to retailers.
- The southern end of Red Bank is the most likely area for high-density residential development due to the proximity to the North Shore and downtown.
- Red Bank is in need of housing and this would provide 42 units.

Because the proposed use is similar in nature and impact to permitted uses, and the site has the unique topography which makes the site unattractive to retail developers, staff recommends approval with the following conditions:

1. Parking be provided at the rate of 1.25 spaces per single bedroom unit and 1.75 spaces per two-bedroom apartment
2. A traffic impact study be conducted as part of the design review process

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Gregory Tate, Interim Director of Public Works

From: Ashley Gates, Regional Planner

Date: August 16, 2021

Subject: Request to Rezone 209 Morrison Springs Road, 4004, 4006, and 4010 McCahill Road from C-2 to C-1

SUMMARY			
Property Address:	209 Morrison Springs Road, 4004, 4006, and 4010 McCahill Road	Property Owner:	Howard Huddleston
Tax ID:	109I B 023-026	Applicant:	Modwash RE, LLC
Deed Reference:	10575-0176	Current Zoning:	C-2
Flood Zone:	No	Requested Zoning:	C-1
Current Land Use:	Vacant; Residential structure at 4004 McCahill Road	Surrounding Zoning:	C-2 and R-1A
Surrounding Land Use:	Residential; Cemetary; Fast food restaurant		
Moratorium Status:	Site is under sewer moratorium. WWTa has indicated they are on a wait list through their capacity reservation process.		
Proposed Use:	Car wash business		
Staff Recommendation:	Deny		

ANALYSIS

Current Use and Site Conditions

The property at 209 Morrison Springs Road, 4004, 4006, and 4010 McCahill Road is mostly vacant, with one residential structure at 4004 McCahill Road, built in 1920. The site has steep slopes (greater than 35%) to the right-of-way. Most of remainder of the site has slopes under 20%. Slope will be a factor in the location of the structure, access points, and internal driveways, but the site is developable.

Hamilton County Wastewater Treatment Authority indicated that this lot is affected by the sewer moratorium. The applicant has submitted a capacity reservation request and have been placed on a waiting list.

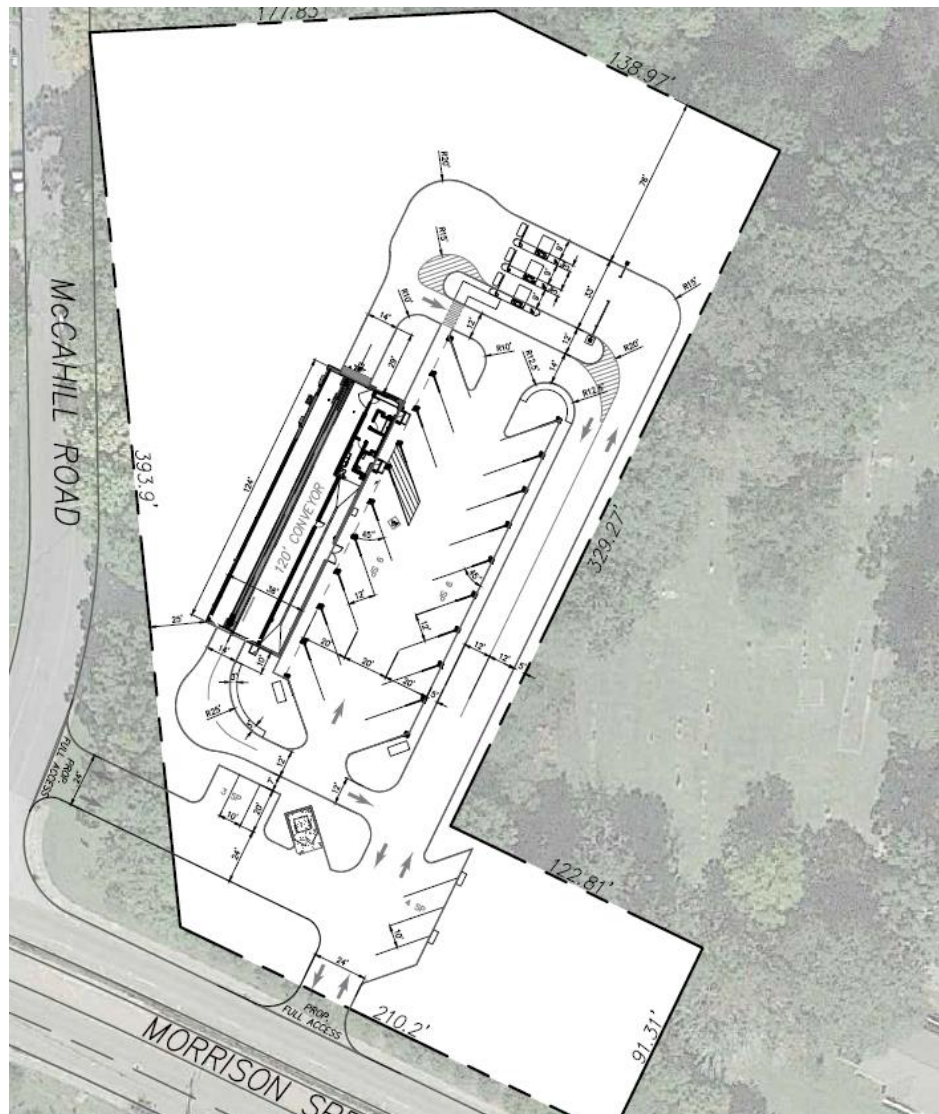
An existing 12-foot-wide right-of-way between 4010 and 4004 McCahill Road provides access to 4006 McCahill Road. This will need to be abandoned by the city by ordinance prior to combining these lots.



Proposed Use

Mudwash RE, LLC has requested that the property be rezoned to C-1 in order to build a car wash business. A preliminary site plan is shown below. The site plan shows a 124' by 36' building to house the car wash, plus 18 parking spaces, presumably with vacuum stations. Seven additional parking spaces are provided.

Internal circulation consists of a one-way, 24-foot-wide loop. It expands to 33-feet wide for three pay stations at the rear of the site. The ingress and egress are 24 feet wide, with one access along Morrison Springs Road and one along McCahill Road.



Zoning Ordinance

Car washes are permitted in the C-1 zone with a Special Exceptions Permit. They are prohibited in the C-2 Zone. The C-1 zone is generally more permissive, with fewer prohibited uses. See the attached Table of Uses for a full list of permitted uses.

Compatibility with Surrounding Land Use

The site is at the corner of McCahill Road and Morrison Springs Road. McCahill Road is a low-density residential street with large lots, zone R1-A. Morrison Springs Road is a high traffic road, with the nearest average daily traffic count being 17,938. To the rear of the property is Red Bank Cemetery, also known as Shaw Cemetery, with graves dating back to the 1890's. The cemetery is accessed via a driveway off Oakland Terrace.

Land Use Plan

The C-2 Zone was established with the adopted land use plan. The intent was to create a central business district along Dayton Boulevard and Morrison Springs Drive, up to Highway 27, which creates a physical barrier to the more dense and walkable central business district. This property was rezoned during the creation and adoption of the land use plan, also known as "The Red Bank Plan: 2035."

Excerpts from The Red Bank Plan: 2035

Section 3.2 Zoning Ordinance –

E. New C-2 Central Business District Zone

One way to achieve the needed “downtown” or “town center” (as suggested in comments through public input) is to establish a new C-2 Zone or ‘Central Business District’. This zone provides for new types of development such as mixed-use. It also allows only those uses that are in keeping with the developed character of the area and specifically prohibits those uses that are not. Prohibited uses will be allowed in other zones, primarily in the C-1 Zone.

This new commercial zone extends on the South end by Newberry Street and includes frontage properties on both the East and West sides of Dayton Boulevard. The zone extends North on the East side of Dayton Boulevard to Woodrow Avenue and on the West side of Dayton Boulevard to a point that is the North property line of 4039 Dayton Boulevard/Tax Map # 1091 E 002 (situated somewhat across from Woodrow Avenue). The zone shall also include all frontage properties on the South side of Morrison Springs Road extending West to U.S. 27 Highway. The C-2 Zone will be subject to the new Design Review and Landscape and Screening requirements. These particular requirements will start with any change of use, new development or re-development of the property. These requirements not only begin an overall beautification process, but also provides for much needed buffers and protection between commercial and residential uses.

Section 3.3 – Zoning Study

B. Commercial

The new commercial rezoning, particularly the C-2 area, not only helps protect the quality and integrity of existing development, it also provides new opportunities to attract new businesses and reinvigorate Red Bank’s commercial center. This area can become a true Central Business District while the C-1 Convenience commercial Zone continues to serve the needs for a wider variety of goods and services along Dayton Boulevard north and south of the Central Business District.

The new O-1 Office Zone functions as a much needed lower intensity transition zone between commercial and residential uses where appropriate. And, the C-3 Neighborhood Commercial Zone fills the gap that the C-1 and C-2 Zones cannot by providing a low intensity commercial zone for those businesses that would be appropriate and compatible on the fringe of residential areas.

Industrial zoning reflects existing industry locations, but other sites may be considered if there is interest.

Design Review Standards

This property would be subject to design review. Full designs have not been submitted.

Spot Zoning

Typically, when multiple parcels are included in a rezoning, spot zoning is not as much of a concern. With this property being under one ownership, it is possible that spot zoning could be a concern should the neighboring property owners find that the development has been detrimental to their property value or livability of their home.

RECOMMENDATION

Staff recommends denying the rezoning request for the following reasons:

1. The C-2 zone is intentionally designed with the intent to extend from Dayton Boulevard to Highway 27. Rezoning this to C-1 would allow a wide range of uses, including pawn shops, car dealerships, outdoor storage, and gas stations.
2. The proposed zone is not compatible with the adopted land use plan.
3. The use is potentially incompatible with abutting residential uses due to the noise of vacuuming stations and the potential traffic volume.

If the Planning Commission wishes to rezone this property, staff recommends that the applicant be given 12 months from the lifting of the sewer moratorium to secure a special exceptions permit. Should the permit not be obtained, the zoning should revert to C-2.

Additional conditions may be placed on the specific use when the special exceptions permit is reviewed and issued. Possible conditions may include:

- Requiring a traffic impact study
- Requiring an additional planted buffer between the internal driveway and the cemetery
- Preservation of heritage trees
- Retaining wall design standards
- Buffer requirements between the business and the neighboring residence

Attachment 1. Table of Uses – Comparison of C-2 to C-1

Permitted	P
Special Exception	SE
Prohibited	X
Use not included	

Land Use Type		Use	CBD C-2	C-1
Commercial	Retail	Retail sales	P	
	Retail	Retail sales and service establishments		P
	Retail	Retail sales unless otherwise permitted		
	Retail	Commercial establishments up to 5,000 sq. ft.		
	Retail	Bakeries, provided all goods are sold on premise	P	P
	Retail	Drug stores		
	Retail	Florists	P	P
	Retail	Grocery stores		
	Retail	Hardware stores		
	Retail	Liquor stores		P
	Retail	Meat and fish markets		
	Retail	Music stores		
	Retail	Shoe stores		
	Retail	Small printer shops, except that the gross floor area shall not exceed 2,000 square feet	P	P
	Retail	Specialty shops and stores		
	Retail	Stationary stores		
	Dining	Restaurants and Delicatessens	P	
	Dining	Restaurants and other establishments serving food and beverages		P
	Dining	Taverns, wine and cocktail bars, brew pubs, micro-breweries and similar uses	P	
	Dining	Microbreweries and brew pubs where beer is manufactured and distributed wholesale or retail	P	P
	Entertainment	Bowling alleys, or other indoor amusement		SE
	Entertainment	Entertainment or recreational facilities		
	Entertainment	Miniature golf courses and similar outdoor amusement facilities		SE
	Entertainment	Outdoor amusement facilities	X	
	Entertainment	Studios / Galleries	P	P
	Entertainment	Theaters	P	P

Land Use Type		Use	CBD C-2	C-1
Commercial	Entertainment	Playing music or making announcements in a manner audible at any residential lot line.		
	Lodging	Bed and Breakfast establishments / Short Term Rental Units	P	P
	Lodging	Hotels and motels		P
	Service	Barber\Beauty shops	P	P
	Service	Cleaning and laundry establishments		SE
	Service	Day care centers		
	Service	Funeral homes and undertaking establishments	X	SE
	Service	Plumbing, electrical, radio, TV workshops provided no more than five (5) persons are employed and that all related trucks and equipment are stored at the rear of the building, not visible from Dayton Blvd.	P	
	Service	Plumbing, workshops, electrical, radio and TV shops and other similar uses provided that not more than five (5) persons are employed therein.		P
	Service	Repair shops for shoes, household articles or appliances	P	P
	Service	Tattoo parlors		
	Service	Alternative Financial Services		SE
	Service	Title Pawn, check cashing and similar uses	X	P
	Auto-Oriented	Car Washes	X	SE
	Auto-Oriented	New & used car, motorcycle, boat, farm equipment dealers	X	P
	Auto-Oriented	New or used sales or repair facilities for autos, boats, motorcycles, farm equipment and similar uses		
	Auto-Oriented	Gasoline service stations and auto repair;		P
	Auto-Oriented	Limited Fuel Service Facility	P	
	Auto-Oriented	Drive-thru or Drive-in uses		
	Storage	Outdoor storage of goods for sale, provided that area is screened		P
	Storage	Outdoor sales, service, display or storage, except during lawful business hours and except for outdoor seating for restaurants	X	
	Storage	Warehouses, storage facilities, mini-warehouses, indoor or outdoor storage facilities, climate controlled storage facilities, or any other sort of commercial storage or warehousing facility or usage	X	
	Adult	Adult oriented establishments	X	
Office	Bank	Banks	P	P
	Medical	Medical and dental offices and clinics	P	
	Medical	Medical and dental offices up to 5,000 sq. ft.		
	Office	Office buildings	P	P
	Office	Offices up to 5,000 sq. ft.		
	Office	Offices over 5,000 sq. ft.		
	Veterinarian	Veterinarians offices	P	SE

Land Use Type		Use	CBD C-2	C-1
	Veterinarian	Veterinarians offices with no outdoor run areas	P	
Public / Institutional	Group Home	Assisted living facilities		SE
		Drug, alcohol or correctional halfway houses, drug or alcohol rehabilitation centers or any similar use	X	
		Halfway house, alcohol and drug rehabilitation centers		SE
		Nursing homes		SE
		Day care homes		
		Group homes operated on a non-commercial basis for persons with intellectual and developmental disabilities		
	Hospital	Hospitals and clinics and social agencies		SE
	School / Church	Schools, churches and other public and semi-public buildings	P	P
	Parks	Parks, playgrounds and community buildings		
Residential	Multi-Fam.	Apartments		SE
	Mobile Home	Mobile home parks	X	SE
	Mixed	Residential uses when part of a mixed-use commercial development with only offices and/or commercial uses on the ground floor.		P
	Mixed	Mixed Use Developments		
	Townhome	Townhomes and condominiums		
	Single-Fam.	Single-family detached dwellings except manufactured homes	P	P
	Home Occ.	Home Occupations		
Other	Accessory Permitted	Accessory buildings and uses customarily incident to the above uses	P	P
	Signs	On Premise Signs Pursuant to Sign Ordinance		
	Signs	Signs advertising goods and services provided on premises subject to height, setback and size limitations	P	P
	Similar to Prohibited	In general, all uses which are not in keeping with the intent of this zone	X	
	Similar to Permitted	In general, any use that is similar in character and impact as the above uses	P	
	Similar to Permitted	Uses similar to the above in character and impact.		P

Part 1: Standards for Murals and Public Art

A. Definitions

“Graffiti” means non-approved artistic work or random markings applied to buildings, walls, accessory structures or uses as an act of vandalism on public or private property. (This excludes temporary soluble chalk markings or paint marking used for marking utility locations made by a utility company or surveyor.)

“Murals” are original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a permanent wall or building. Murals cannot contain text or trademarked symbols that advertise or promote a business, product, or service; or promote a political candidate or party, these items shall be regulated as signs, elsewhere in this Title. Murals shall not include the use of digitally printed vinyl. Such murals shall not contain electrical or mechanical components or feature a changing image. Murals shall be maintained to preserve the visual quality of the image.

“Public Art” shall be defined as any permanent or temporary work of art created by artists or craftsmen and sited in a public space or otherwise accessible or visible for the public to view or experience. Forms of public art include Public art does not include architectural or landscape design except when developed by artists.

“Freestanding Public Works of Art” shall be defined as free-standing original pieces of sculpture, memorials, sculptural benches, nonstandard outdoor utilitarian elements such as light fixtures, drinking fountains or electrical boxes that are unique works of art produced by an artist or craftsman. Freestanding public works of art cannot contain text or logos that advertise or promote a business, product, or service; or promote a political candidate or party. This definition shall not include grave markings or memorial sculptures that are located in a cemetery.

B. Administration of murals.

(a) *Standards for murals.* Murals shall comply with the following standards:

- 1) Murals cannot contain text or logos that advertise or promote a business, product, or service; or promote a political candidate or party, these items shall be regulated as signs.
- 2) No owner or lessor of a building containing a mural may declare damages from the use or viewing of a mural should an adjacent or area property owner erect a building, fence, wall or landscaping that obstructs the vision of a mural from a public street or area private properties.
- 3) The mural shall be painted appropriately durable outdoor-rated paint that is of sufficient quality to remain at least one (1) year on the painted surface. The mural may be repainted with the same image without obtaining approval or re-approval by the City of Red Bank.

Public Art Ordinance Draft

October 15, 2021

- 4) The image must be kept in good repair, including the removal of graffiti and the repair of peeling, damaged, and defaced areas. Wall murals that are not kept in good repair must be removed or repaired.
 - 5) Murals may contain images of items/products sold within the building(s) without being considered a commercial message.
 - 6) Murals containing obscenity, fighting words, or incitement shall be prohibited.
 - 7) Murals containing images of a vulgar, pornographic nature are prohibited.
- (b) *Prohibited murals images.*
- 1) No murals shall contain any devices that includes flashing colors, glitter panels, internal light sources, movement of parts from hand, electric, wind or other similar power sources.
 - 2) Murals shall not be composed of vinyl wrappings but shall be limited to tiled or painted surfaces.
- (c) *Mural image permitting process.*
- (1) *Application.* All applications for a mural shall be made at City Hall and contain the following information.
 - i. Written consent from the property owner.
 - ii. Draft or scaled rendering of the art work (mural) on the proposed surface and a photograph or rendering of the existing surface.
 - iii. Dimensions of the artwork (mural).
 - iv. Maintenance plan for the mural.
 - v. Any letters of support from surrounding property owners.
 - (2) *Review and Approvals.*
 - i. All mural applications shall be reviewed by a designated citizen advisory committee and referred to the Planning Commission for approval. the applicant must submit a rendering of the final design with the property owners' signature. The City Manager shall then issue a permit for the mural.
 - ii. If the permit expires, the applicant must either reapply or remove the partially completed mural.
 - (3) *Inspections.* The project manager must contact the Codes Enforcement Officer to complete an inspection of the completed mural. The mural must be found to be in compliance with this chapter and consistent with the approved design. If there is a question as to the consistency with the submitted design, the final decision shall lie with the Planning Commission with a recommendation from the Citizens Advisory Board. Any mural not found to be in compliance shall be removed within 60 days.

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C. Administration of Freestanding Public Works of Art

(a) *Standards for Freestanding Public Works Art*

- 1) All freestanding public works of art that meet the definition of a structure shall meet all requirements of the currently adopted building code and shall have all proper constructure permits.
- 2) All freestanding public works of art shall be properly secured to the ground
- 3) Freestanding public works of art shall not be sited where it will obstruct the views of stop signs or traffic signals.
- 4) Free standing public works of art shall not obstruct the view of drivers, pedestrians, or bicyclists at street intersections. Artwork locations must meet the standards of the American Association of State Highway and Transportation Officials for site distance.
- 5) Free standing public art that can conceivably be climbed upon or stood upon at a level above 30 inches, and that is located within 100 feet of a playground, on the same parcel as a playground, or within a public or privately-owned park or recreation space, must meet the following standards:
 - i. Protective surfacing must be installed on the ground meeting the guidelines published by the Tennessee Department of Commerce Tennessee Department of Commerce and the National Playground Safety Institute.
 - ii. The artwork must not contain protrusion, entanglement or entrapment hazards as defined by the Tennessee Department of Commerce and the National Playground Safety Institute.
 - iii. The artwork must be spaced away from playground equipment as required by the Tennessee Department of Commerce and recommended by the National Playground Safety Institute.
 - iv. Sculptural benches may be exempt from these requirements provided they meet the safety requirements of the Consumer Product Safety Commission and ADA accessible requirements.
- 6) Freestanding works of art must be kept in good repair, including the removal of graffiti and the repair of damaged areas. Freestanding public works of art that are not kept in good repair must be removed or repaired. Repair of a properly permitted work of art to its original form shall not require additional review or permitting.
- 7) Freestanding works of art containing obscenity, fighting words, or incitement shall be prohibited.
- 8) Freestanding works of art containing images of a vulgar, pornographic nature are prohibited.
- 9) Freestanding public works of art cannot contain text or logos that advertise or promote a business, product, or service; or promote a political candidate or party.

(c) *Freestanding public works of art image permitting process.*

- (1) *Application.* All applications for a mural shall be made at City Hall and contain the following information.
 - i. Written consent from the property owner.
 - ii. Draft or scaled rendering of the artwork at the proposed location.

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- iii. Dimensions of the artwork.
- iv. Maintenance plan for the artwork.
- v. Any letters of support from surrounding property owners.
- vi. For larger sculptures or artworks where structural safety is a concern the following information is required: site plan, grading plan (if applicable); design, attachment, and/or fabrication details; structural calculations; and material and performance specifications; specifications related to playground safety (if applicable per Section C Part A(5) of this chapter).

(2) *Review and Approvals.*

- i. All freestanding public works of art applications shall be reviewed by a designated citizen advisory committee and referred to the Planning Commission for approval. If approved by the Planning Commission, the applicant must submit a rendering of the final design with the property owners' signature. The City Manager shall then issue a permit for the freestanding public work of art.
- ii. All permits for freestanding works of art expire within 1 year, and may be extended for six months at a time if progress is being made on the installation. If the permit expires, the applicant must either reapply or remove the freestanding artwork.

(3) *Inspections*

- i. All freestanding public works of art shall be inspected by the building inspector for compliance with the approved plans, building codes, and the standards listed in Part C Section (a) of this chapter.
- ii. Freestanding public works of art that found not to be in compliance shall either brought in to compliance within 90 days or removed. The City Manager may shorten the amount of time permitted to gain compliance if there is a risk to public safety. Artworks that remain out of compliance after the grace period shall be removed at the expense of the applicant.

Part 2: Update of Sign Ordinance

Added text underlined

ADVERTISING SIGNS, ADMINISTRATION, AND ENFORCEMENT

9-801. Exemptions from and applicability of Chapter.

(1) Nothing in this chapter shall apply to any notice required by this code or other ordinances of the city or legal notices of public officers and attorneys, posted in the manner and places provided by law, or to the right of any newspaper to distribute its paper throughout the city.

(2) Nothing contained herein is intended to conflict with the provisions of the Red Bank Zoning Ordinance as now enacted or hereafter amended except that the provisions of 9-822 through 9-825 are intended to provide that, notwithstanding provision in the zoning ordinance that would otherwise permit the erection and maintenance of on premise and/or off-premise signs in a zone or zones, the provisions of 9-822 through 9-825 shall override the permissive provisions of the zoning ordinance currently located in zones where such uses are currently permitted by the zoning ordinance.

(3) Murals, as defined in Section 9-802, shall be exempt from this chapter. Murals are regulated by Title#, Chapter#. Murals cannot contain text or trademarked symbols that advertise or promote a business, product, or service; or promote a political candidate or party. These items shall not be exempt and shall be regulated as signs.

9-802. Definitions.

“Murals” are original works of visual art produced by hand that are tiled, painted directly on, or affixed directly to a permanent wall or building. Murals cannot contain text, or trademarked symbols that advertise or promote a business, product, or service; or promote a political candidate or party, these items shall be regulated as signs. Murals shall not include the use of digitally printed vinyl. Such murals shall not contain electrical or mechanical components or feature a changing image. Murals shall be maintained to preserve the visual quality of the image.