

John Roberts
Mayor

City of Red Bank
Municipal Planning Commission

Randall G. Smith
City Manager

WORK SESSION AGENDA
July 16th, 2018
6:00 pm
Red Bank Community Center

I. CALL TO ORDER

II. ROLL CALL – Secretary – Billy Cannon

☐ Commissioner Cannon
☐ Commissioner Hafley
☐ Commissioner Browder

☐ Commissioner Baker
☐ Commissioner Smith

III. Agenda items for the July 19th regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

1. June 21st, 2018

B. NEW BUSINESS

1. Zoning Map Amendment, 2622 Berkley Drive, R-1 to R-T/Z
2. Zoning Ordinance Amendment, Outdoor Storage and Display in C-1 and C-3
3. City Code Amendment to the Red Bank Sign Ordinance

C. UNFINISHED BUSINESS

D. OTHER BUSINESS

IV. ADJOURNMENT

John Roberts
Mayor

City of Red Bank
Municipal Planning Commission

Randall G. Smith
City Manager

REGULAR MEETING AGENDA
July 19th, 2018
6:00 pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Secretary – Billy Cannon

☐ Commissioner Cannon

☐ Commissioner Baker

☐ Commissioner Hafley

☐ Commissioner Smith

☐ Commissioner Browder

III. INVOCATION – Commissioner Baker

IV. PLEDGE OF ALLEGIANCE – Commissioner Hafley

V. CONSIDERATION OF THE MINUTES

A. June 21st, 2018

VI. NEW BUSINESS

A. Zoning Map Amendment, 2622 Berkley Drive, R-1 to R-T/Z

B. Zoning Ordinance Amendment, Outdoor Storage Regulations

C. City Code Amendment to the Red Bank Sign Ordinance

VII. UNFINISHED BUSINESS

VIII. OTHER BUSINESS

IX. ADJOURNMENT



John Roberts
Mayor

MUNICIPAL PLANNING COMMISSION

Randall G. Smith
City Manager

MINUTES
June 21, 2018
6:00 p.m.
Red Bank Community Center

I. CALL TO ORDER

Commissioner Hafley called the meeting to order at 6:00 pm.

II. ROLL CALL

Commissioner Cannon called the roll. Commissioners Hafley, Cannon, Smith, Browder and Baker were in attendance. The Commission's planning advisor from the Southeast Tennessee Development District was also present. Additional attendees are included on the sign-in sheet and in the below minutes.

III. INVOCATION

Commissioner Baker gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Hafley led the pledge of allegiance.

V. CONSIDERATION OF THE MINUTES

A. May 17th, 2018 Meeting Minutes

Motion by Commissioner Baker to approve the May minutes. Second by Commissioner Smith. The motion passed unanimously.

VI. NEW BUSINESS

A. Zoning Map Amendment, 621 and 637 Lullwater Rd, R-1 and R1-A to R-T/Z

Staff gave an overview of the proposed rezoning and noted that the proposed development was compatible with the existing development form and consistent with the Red Bank Land Use Plan.

The applicant, Mr. Cinelli, gave an overview his plan to subdivide and develop the property and described the dimensions of the proposed lots and homes. The applicant noted that the existing homes that were vacant and in disrepair had been demolished.

Commissioner Browder asked if there was a way to back into a hammerhead on the lot and avoid backing onto Lullwater. The applicant confirmed that there would be space in the driveway to back up.

The applicant proposed staggered homes with varying setbacks to provide privacy for each home. Commissioner Baker asked about plans for tree removal. The applicant noted that there were no plans to remove trees in the front yard, but that a few trees would be cleared for a back yard on each lot.

Commissioner Cannon asked about plans for storm water drainage. The applicant noted that there was existing stormwater infrastructure on Lullwater Road.

Daryl Coffman, pastor at Baptist church across the street, expressed concern that once you clear the subject property the church property will flood even worse. He suggested that there was no stormwater drainage piping underneath this section of Lullwater.

Doug Sorrell of 633 Lullwater Road expressed concern about the higher density of the development.

Sara Elmore of 529 Lullwater Road spoke in favor of the proposed development and noted that she liked similar homes built near her house in Red Bank.

Dolly Sorrell of 633 Lullwater Road came forward to express concern about the lack of side setbacks in the proposed development. Staff clarified that the applicant was proposing a side setback of 11 feet, which was one foot more than the minimum setback in the R-1 zoning district.

Denise Walker of 641 Lullwater Road asked questions about the proposed density of the development and the density permitted in the R-1 zoning district.

Chairman Hafley asked Staff to record in the minutes that the Planning Commission would like the City Staff to collect site plans with every R-T/Z application and to include these site plans in the rezoning notices mailed out to adjacent property owners.

Motion by Commissioner Baker to approve the rezoning of Tax Map 117N Group A Parcels 007, 006 and 002 on Lullwater Road from R-1 and R-1A Residential to R-T/Z Residential. Second by Commissioner Cannon. Motion passed unanimously.

B. Zoning Ordinance Amendment to Outdoor Storage Regulations

Staff informed the Planning Commission that the Outdoor Storage amendment had been withdrawn by the City and that a revised version would be submitted for consideration at the July meeting of the Planning Commission.

C. Zoning Ordinance Amendment, Short Term Rental Units

Staff gave an overview of the ordinance and noted that this draft was similar to the amendment reviewed in February, but had been updated to conform with Short Term Rental Unit Act passed by the Tennessee State Legislature in May.

Commissioner Browder asked if it was useful to distinguish between owner-occupied and investor-occupied rental units.

Planning Commissioners discussed if there were areas in the R-1 zoning district where short-term rental units or owner-occupied STRUs are appropriate.

Commissioner Smith suggested that Red Bank can amend or change the ordinance again when the City has more information on the impact of STRUs.

Motion by Commissioner Smith to recommend approval of the short-term rental unit zoning ordinance amendment. Second by Commissioner Hafley. The motion passed unanimously.

D. City Code Amendment to Red Bank Sign Ordinance

Staff gave an overview of the draft Sign Ordinance and a recap of discussion at the May and June working meetings of the Planning Commission regarding the draft.

Planning Commissioners expressed a need for more context for the amendments to the existing Sign Ordinance.

Staff informed Commissioners that Tim Thornbury would attend the July working meeting of the Planning Commission to answer questions about the draft Sign Ordinance.

Commissioner Baker noted that he would like to see more public input from business owners and other subject matter experts.

Mr. Hafley proposed an Intent statement be added to the from the Sign Ordinance.

Motion by Chairman Smith to table the Sign Ordinance amendment for the July meeting of the Planning Commission. Second by Commissioner Cannon. Motion passed unanimously.

E. Discussion of Zoning Ordinance Amendments and Table of Uses

Motion by Commissioner Hafley to table the discussion of Zoning Ordinance edits for the July meeting of the Planning Commission. Second by Commissioner Smith. Motion passed unanimously.

VI. UNFINISHED BUSINESS

IX. ADJOURNMENT

Commissioner Baker moved to adjourn; second by Commissioner Smith. Adjourned at 7:22 PM.

Chairman



Southeast Tennessee Development District
1000 Riverfront Parkway
Chattanooga, TN 37405
Phone: (423) 266-5781
www.sedev.org

MEMORANDUM

To: Members of the Red Bank Municipal Planning Commission
From: Brian Taylor, SETDD Regional Planner
Date: July 11, 2018
Subject: Rezoning Request for 2622 Berkley Drive – R-1 to R-T/Z

SUMMARY

Request: R-1 to R-T/Z Residential Townhouse / Zero Lot Line	
Tax Map #: Map 117L Group G Parcel 017	Address: 2622 Berkley Drive
Owner: Delmar Mullis	Applicant: Delmar Mullis
Area: 0.36 acres	Floodplain: No
Existing Use: vacant	Proposed Use: 2 residences with 50+ frontage
Adjacent Uses: single-family residential	Adjacent Zoning: R-1, R1-A

Background: An application has been submitted by the owner of a property on Berkley Drive for a rezoning from R-1 to R-T/Z. The owner of the property intends to subdivide the property into two lots with 51-foot wide lots for single-family homes.

Recommendation: Approval of the rezoning from R-1 to R-T/Z. Consider conditions to limit density to proposed levels.

ANALYSIS

Existing and Proposed Use

The 0.36-acre parcel at 2622 Berkley Drive is vacant. It was previous occupied by a single-family dwelling that was demolished. The subject property has access to public sewer and water on Berkley Drive. This parcel comprises lots 9 and 11 from the Harbin's Subdivision.

The owner intends to subdivide the parcel into two lots and construct single-family detached dwellings on each of the six lots. Each proposed lot will have 51.25 feet of frontage on Berkley Drive. Each lot would have an area of 0.18 acres, which is still above the 7,500 square foot minimum in R-1 zone. The owner has proposed side setbacks of 12.5 feet and front setbacks of 25 feet (see Site Plan).

Aerial of Subject Property



	Lot Area (Sq Ft)	Lot Acreage	Frontage (LF)	Depth (LF)
Existing Parcel	~15,680	~0.36	102.5	~200
Proposed Lot 1	~7,840	~0.18	51.25	~200
Proposed Lot 2	~7,840	~0.18	51.25	~200

Zoning Ordinance

R-T/Z zoning would allow the owner to create lots with less than 60 feet of frontage and a lot size below 7,500 square feet.

	Minimum Lot Area		Minimum Frontage (LF)
	Sq. Ft.	Acreage	
R1-A and R-1	7,500	0.172	60
R-T/Z	5,445	0.125	35

Type C screening against the R-1 zoning district is required on the exterior side lot lines of each proposed lot. The existing vegetation on the rear lot line could be used to meet the screening requirement.

Zoning Map

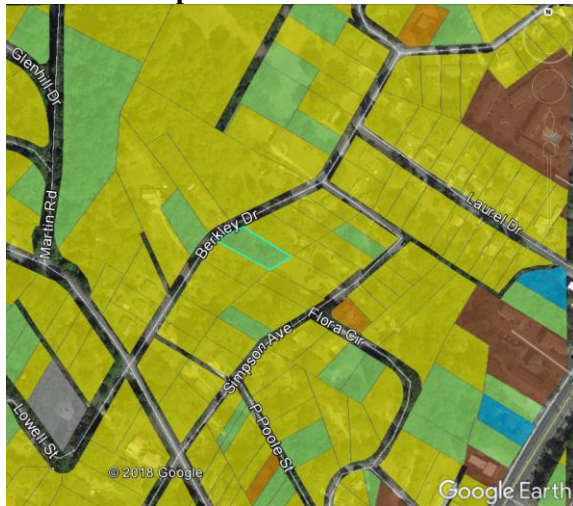


Compatibility with Surrounding Uses

Abutting properties include small lot single-family homes to the north and south. There are single family homes across the street in the R1-A district. Higher density residential uses are scattered throughout the greater area, including duplexes, apartments and narrow lot single family residences.

The distance of the property from the commercial corridor is approximately a quarter mile. The proximity to the commercial corridor supports the case for greater density at this location. The relatively large lots proposed by the applicant also make the proposed development compatible with the surrounding neighborhood context.

Land Use Map



Land Use Plan

The development of new small lot 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.

RECOMMENDATION

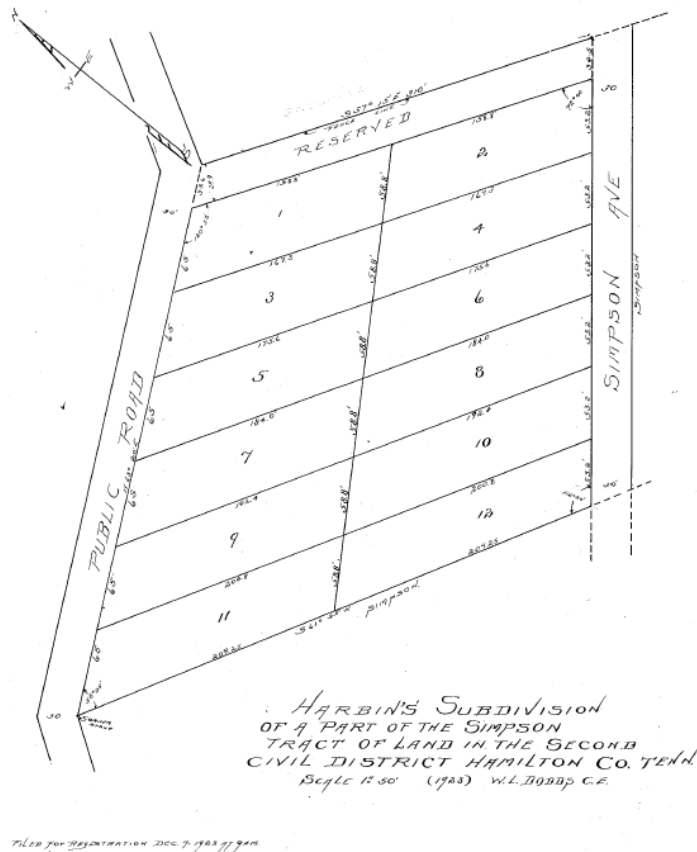
Staff recommends approval of the R-1 to R-T/Z rezoning request. A condition that limits density to the level proposed in the application could be used to address concerns about less compatible uses permitted in the R-T/Z district.

APPENDIX

Property Card

Location 2622 BERKLEY DR 22	Property Account Number 42852 Land Use 910	Parcel ID 117L_G_017 District RED BANK
Current Property Mailing Address Owner MULLIS DELMAR K JR Address 2622 BERKLEY DR City CHATTANOOGA State TN Zip 37415		
Current Property Sales Information Sale Date 4/19/2018 Sale Price \$30,000 Legal Reference 11327-0451 Grantor(Seller) JAN STEVE H		
Current Property Assessment Building Value \$0 Xtra Features Value \$0 Land Value \$29,900 Total Value \$29,900 Assessed Value \$7,475		
Narrative Description This property is classified as RESIDENTIAL with a(n) N/A style structure on this card, built about with 0 square feet.		
Land Description The total land area of this property is (102.5X209.25IRR).		
Legal Description PT LTS 9-11 HARBINS PB 9 PG 2		

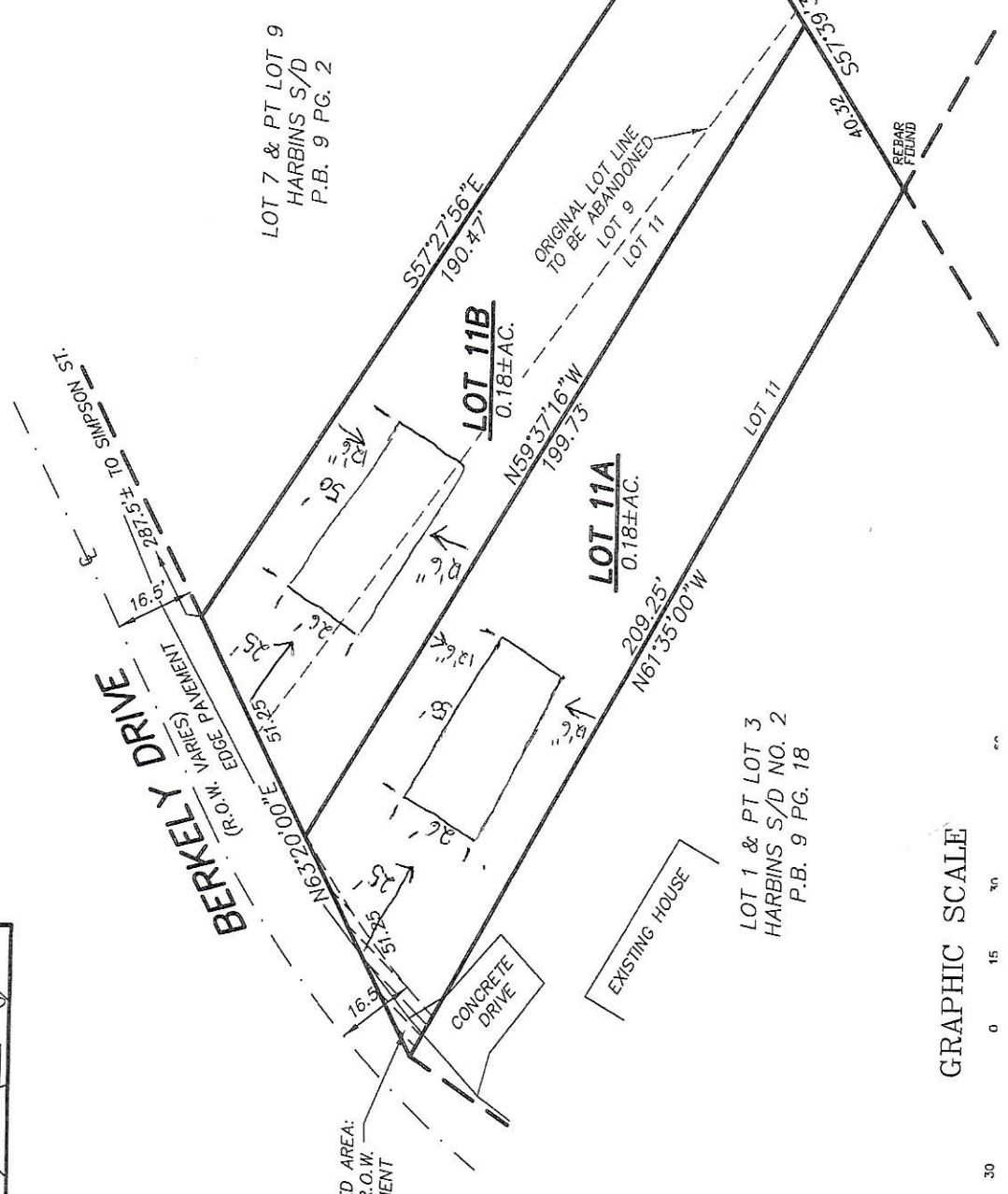
Plat Book 9 Page 2



1. Tax Map: 117L G 017 (D.B. 3293 PG. 76)
2. Street Address: 2622 Berkley Drive

2622 BERKLEY

MULLIS 718-7342



PROPOSED DIVISION

PROPOSED LOTS 11A & 11B SUBDIVISION
PRIOR PLAT BOOK 9, P. 178



Southeast Tennessee Development District
www.sedev.org

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Red Bank Public Works

From: Brian Taylor, Regional Planner

Date: 6/13/2018

Subject: Storage Facility Amendment

SUMMARY

The City has submitted an amendment to the Zoning Ordinance that establishes business hours and frontage requirements for outdoor display and storage uses in the C-1 Commercial District and the C-3 Neighborhood Commercial District.

ANALYSIS

Section 1 of the draft ordinance amends section 402.03 (I) to replace the existing text and add new text that makes outdoor display and storage a special exception that is only permitted in the C-1

- between 8:00 a.m. and 8:00 p.m., and
- provided that storage or sale shall not occupy more than 33% of the frontage space or street facing façade.

The clear problem is that the existing text under sub-section (I) is “hospitals and clinics and social agencies”, not outdoor storage and display. Future amendments from the City Attorney need to show the text that is being deleted. The updated copy of the zoning ordinance is needed verify errors in amendments. At the very least, SETD staff need a copy of all zoning ordinance amendments passed by the City Council since the new zoning ordinance was adopted in 2015.

Section 2 of the draft ordinance amends section 405.06 (A) to prohibit outdoor display and storage in the C-3 Neighborhood Commercial zoning district, **except**

- between 8:00 a.m. and 8:00 p.m., and
- provided that storage or sale shall not occupy more than 33% of the frontage space or street facing façade.

An updated copy of the Zoning Ordinance is needed to ensure that these amendments are directed at the appropriated zoning districts and subsections. It appears that incorrect section of the C-1

Commercial District regulations is being amended. Outdoor storage and display is currently a permitted use in the C-1 Commercial district with additional requirements under Section 402.02 (L).

RECOMMENDATION

Staff was awaiting a revised copy of the ordinance at the time that the agenda packet was sent out.

ORDINANCE NO. 18-

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE ZONING ORDINANCE AND CLARIFY THE ZONING ORDINANCE CODIFIED AT TITLE 14, CHAPTER 4, SUBSECTIONS 402.03(I) AND 405.06(A)

WHEREAS, the City Commission had previously, during March, 2017, enacted amendments to Title 14 in order to regulate outdoor displays, storage and sale of merchandise in certain instances and circumstances; and

WHEREAS, the regulations thereby enacted have fallen short of one of the objectives of Ordinance No. 17-1082, amending multiple sections of the Red Bank Zoning Ordinance, in that utilization of the term “lawful business hours and when actually open for business” has proven unworkable and of little benefit to address multiple issues intended to be ameliorated by Ordinance No. 17-1082; and

WHEREAS, in order to continue to allow commercial and/or outdoor warehousing businesses and/or storage of personal property, equipment, vehicles in restricted areas and to give added definition, structure, and predictability to rules, regulations, standards and equipment within the commercial zones and to provide for more desirable development in the City; and

WHEREAS, this Ordinance has been submitted to the Planning Commission for the City of Red Bank; and

WHEREAS, the Red Bank Planning Commission held a public hearing of and with respect to this Ordinance during the course of its regularly scheduled meeting on the ____ day of _____, 2018, at which time input and comments for and against the Ordinance were heard and received by the Planning Commission; and

WHEREAS, the Red Bank Planning Commission has recommended that this Ordinance should be approved and adopted by the Red Bank City Commission; and

WHEREAS, the City of Red Bank held a duly noticed and advertised public hearing of and with respect to the terms, conditions and provisions of this Ordinance, reviewed the recommendations of the Red Bank Planning Commission at said public hearing and has given an opportunity to citizens to express their opinion for or against the terms, provisions and conditions of this Ordinance, said hearing having been held at a regularly scheduled meeting of the City of Red Bank on the ____ day of _____, 2018.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. That Red Bank City Code Title 14, Chapter 4, Section 402.03(I), with respect to the C-1 Commercial Zone, shall be amended as follows:

(A) Delete (I) as written and provide instead:

(I) Outdoor display or storage or sale of merchandise, except between 8:00 a.m. and 8:00 p.m. and provided further that any such display, storage or sale shall not occupy more than 33 1/3% of the frontage space of the outdoor street facing facade of the building itself nor more than 33 1/3% of any area between the front facade of the building and the public right-of-way and may not obstruct the entrance to the building to pedestrian traffic or otherwise interfere with the required minimum number of off street parking spaces available for the premises as otherwise provided.

SECTION 2. That Red Bank City Code Title 14, Chapter 4, Section 405.06(A), with respect to the C-3 Neighborhood Commercial Zone, shall be amended as

follows:

(A) Delete (A) as written and provide instead:

(A) Outdoor display, storage or sale of merchandise, except between 8:00 a.m. and 8:00 p.m. and provided further that any such display, storage or sale shall not occupy more than 33 1/3% of the frontage space of the outdoor street facing facade of the building itself nor more than 33 ½% of any area between the front facade of the building and the public right-of-way and may not obstruct the entrance to the building to pedestrian traffic or otherwise interfere with the required minimum number of off street parking spaces available for the premises as otherwise provided.

SECTION 3. Every section, 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.

SECTION 4. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the citizens of the City of Red Bank requiring it.

Mayor

City Recorder

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney



Southeast Tennessee Development District
1000 Riverfront Parkway
Chattanooga, TN 37405
Phone: (423) 266-5781
www.sedev.org

MEMORANDUM

To: Members of the Red Bank Planning Commission
Cc: Tim Thornbury, Public Works Director; Randall Smith, City Manager
From: Brian Taylor, Regional Planner
Date: July 11, 2018
Subject: Review of City of Red Bank Sign Ordinance

SUMMARY

The City of Red Bank is proposing to repeal and replace the existing Red Bank Sign Ordinance with a revised ordinance. The revisions in the draft Sign Ordinance are extensive. This memo highlights several potential areas for review. Notes from the discussion of the draft Sign Ordinance at the May and June 2018 Planning Commission meeting have been added to this memo.

ANALYSIS

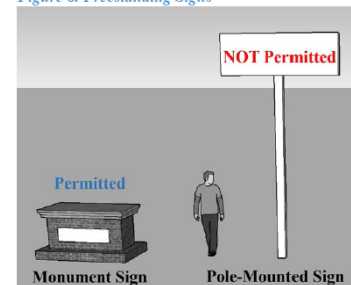
Pole Signs and Monument Signs

Pole-mounted Signs are permitted as a special exception in the draft Sign Ordinance. However, the Design Review Standards Ordinance prohibits pole-mounted signs.

Planning Commissioners at the May meeting discussed whether pole signs should be prohibited instead of included as a special exception. No information from the City was provided as to cases in which pole signs should be permitted. At the June meeting Planning Commissioners reached a consensus that pole signs should be prohibited.

Planning Commissioners at the June meeting proposed allowing a certain amount of space beneath monument signs to provide some flexibility in the sign ordinance for monument signs.

Figure 8. Freestanding Signs



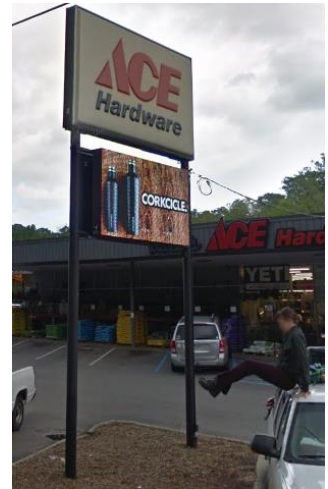
Digital Billboards and Traditional Billboards

Up to five (5) Special Exceptions Permits can be granted for digital billboards, and when one (1) such a permit is issued five (5) traditional billboards of similar size must be removed.

At the May working meeting the City Manager clarified that 1 billboard is defined as one (1) structure and not one (1) sign. Single billboard structures in Red Bank can contain up to four signs. Planning Commissioners at the June meeting agreed that this definition should be made clear in the definitions for Billboards so it is clear that five (5) billboard structures must be removed in order to erect one (1) digital billboard structure.

Sports Banners

Planning Commissioners at the May meeting agreed that banners at sports facilities should be exempted from requirements related to the direction that signage is displayed. Commissioners argued that the sponsorship banners at the pool and other sports facilities had little to no impact on the aesthetics of Red Bank, especially given their location. Support for this exemption was reaffirmed at the June meeting when all Planning Commission members were present.



Message Centers

Electronic message centers are relatively new and require additional attention to regulation of signs that may be distracting to drivers or damaging to the aesthetic appeal on Dayton Boulevard, or a nuisance for neighboring residences. Many existing ordinances relating to electronic message centers have quickly become outdated. Display transition times and illumination standards are two of the most important issues related to electronic message centers. Illumination standards for signs were found under setback requirements for Monument signs under Section 9-835. This appears to be a numbering error. Many message centers have been included within pole signs. The draft Sign Ordinance only allows them within monument signs.



Non-conforming Signs

At the May meeting of the Planning Commission questions were raised about non-conforming signs in Red Bank, when they lose their non-conforming status, and the process by which these signs can be removed. Non-conforming signs are addressed in Section 9-811, Non-conforming and Section 9-845, Compliance and corrective provisions.

Wall Murals

Wall murals are permitted to be 20% of the facade that they are painted upon, and 30% if no monument or pole sign on the site is used for this purpose. This requirement could significantly limit opportunities for artistic murals along Dayton Boulevard. At the June meeting Planning Commissions agreed that limits on wall murals proposed in the draft sign ordinance were too restrictive.



APPENDIX

Summary of Proposed Revisions to Red Bank Sign Ordinance

7/11/18

Relevant excerpts from the proposed amendment to the Red Bank Sign Ordinance are included below. Planning Commissioners received a complete printed copy of the draft Sign Ordinance in May 2018.

9-802. Definitions. For the purposes of this chapter, the following definitions shall apply:

- 6. "Billboards"** Are considered off-premise signs and are only permitted by a Special Exceptions Permit issued by the Red Bank City Commission upon recommendation from the Red Bank Planning Commission. Section 9-822 through 9-825 also Section 14-403 of the Red Bank Zoning Ordinance limits the number of billboards permitted within the City.
- 12. "Digital Billboard"** A Digital Billboard is an off-premise billboard sign that is digital in nature and uses LCD, LED, or similar electronic technology for providing changeable content to the billboard with a single message or any number of messages in sequence. Are considered off-premise signs and are only permitted by a Special Exceptions Permit issued by the Red Bank City Commission upon recommendation from the Red Bank Planning Commission. Section 9-822 through 9-825 Scenic Corridors established and 14-403 of the Red Bank Zoning Ordinance limits the number of permitted billboards within the City of Red Bank.
- 13. "Digital Message Center"** Any electronic sign that conveys information using electronic technology. Also known as a digital changeable copy sign.
- 29. "Monument Sign that has no more than two (2) Occupants"** A sign that is ground mounted no larger than 32 square feet in sign area and 6 feet in height and that there is no space between the ground and the bottom of the sign that is on-premise only. Section 9-832 through 9-835.
- 30. "Monument Sign that has more than two (2) Occupants"** A sign that is ground mounted no larger than 100 square feet in sign area and 8 feet in height and there is no space between the ground and the bottom of the sign that is on-premise only. Section 9-832 through 9-835.
- 36. "Pole Signs"** Are Freestanding On-Premise signs or Off-Premise signs. See definitions for freestanding signs, Off-Premise signs Section 9-821 through 9-825 and On-Premise signs Section 9-836 through 9-840
- 50. "Sport facilities, Field or team sponsorship signs, Scoreboards, Message boards and Banners"** Are on-premise banners or structures with a sign face attached upon them which list names of sponsors or advertisements. Banners, message boards, and other similar

signs are on-premise only and shall face inward towards field of play. Section 9-827 through 9-930.

54. "Wall graphics or Wall murals" Wall graphics or wall murals shall mean a painted scene, figure, or decorative design so as to enhance the building architecture, and which does not include written trade names, advertising or commercial messages. Wall graphics or Wall murals are permitted to be 20% of the facade that they are painted upon. Except if a monument or pole sign is not used then the graphics or mural may be increased to 30%.

9-811. Non-conforming.

1. Nothing contained in this chapter shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Red Bank, Tennessee, and such signs so erected in violation of any prior ordinance or ordinances shall be subject to removal upon notice from the city. Signs which are now in existence and were constructed in the compliance with the terms of any prior ordinance or ordinances of the City of Red Bank, Tennessee, but which are not in conformance with the provisions of this chapter are hereby designated as legal, non-conforming signs.
2. For off-premise signs, any person owning, controlling or having a substantial ownership interest in any illegally erected or maintained non-conforming off-premise sign(s) shall remove all such illegally erected and maintained off-premise sign and its supporting structure prior to the issuance of any off-premise sign permit to such person until such person no longer owns, controls or has a substantial ownership interest in any illegally erected or maintained non-conforming off-premise signs. Evidence of the removal of an illegally erected and off-premise sign shall be furnished to the satisfaction of the building inspector. As used herein, "substantial" ownership interest shall mean any ownership interest in excess of five (5%) percent of the total ownership interest
3. For on-premise signs, any occupant (as defined in 9-802) who applies for a new sign permit for any on-premise signs shall be required to either remove all legal non-conforming signs and the devices designated in Section 9-811 on the area of the property occupied by such occupant, or to bring such non-conforming signs into conformance with the provisions of this chapter, before any new permit may be issued. Any occupant who applies for a new sign permit for any on premise attached sign shall be required to either remove all legal nonconforming attached signs and the devices designated with in this ordinance of the premises occupied by such occupant, or to bring such nonconforming signs into conformance with the provisions of this chapter, before any new sign permit may be issued.
4. Notwithstanding any other provision of this chapter, any person using a portable sign, balloon sign or banner for which a temporary sign permit must be obtained on the effective date of this chapter must obtain a temporary sign permit as required by Section 9-827 through 9-828.

9-845. “Compliance and corrective provisions”.

1. Notwithstanding any other provisions of this chapter, the following regulations shall govern the alteration and maintenance of any existing on premises or existing legal non-conforming off premises signs. Nothing contained in this chapter shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Red Bank, Tennessee, and such signs so erected in violation of any prior ordinance or ordinances shall be subject to removal as provided in this section. Signs which are now in existence and were constructed in compliance with the terms of any prior ordinance or ordinances of the City of Red Bank, Tennessee, but which are not in conformance with the provisions of this chapter are hereby designated as legal, non-conforming signs, and shall be abated and removed hereafter in accordance with this section.
 2. For on-premise signs, any occupant who applies for a new sign permit for any on-premise pole sign shall be required to either remove or cause the removal of all legal nonconforming pole signs and the devices designated in or on the area of the property occupied by such occupant, or to bring all nonconforming signs on that property into conformance with the provisions of this chapter, before any new permit may be issued. Any occupant who applies for a new sign permit for any on premises attached sign shall be required to either remove all legal nonconforming signs in or on the area of the premises occupied by such occupant, or to bring such nonconforming signs into conformance with the provisions of this chapter, before any new sign permit may be issued. For the purpose of this subsection, the term "property" is intended to mean the entire tract of real property which has been assigned a separate tax map and parcel number and is not intended to be limited to a separate unit of a multi-unit property.
- (1) A single occupant nonconforming sign shall be made conforming if one of the following situations occur:
 - (a) Any modification to the sign structure, other than normal maintenance necessary to retain the original structure of the sign; or
 - (b) Destruction or deterioration of the sign to an extent that the current cost of repair exceeds fifty percent (50%) of the current cost of constructing a new sign which duplicates the old; or,
 - (c) Change of business/ownership name or change of sign face to reflect new ownership, business logo, message; or
 - (d) Any sign prohibited by the adoption of this chapter shall be removed within ninety (90) days from written notification if erected, constructed, or placed subsequent to the adoption of this chapter.
 - (2) A multiple occupant nonconforming sign shall be made conforming if one of the following situations occur:
 - (a) Any modification to the sign structure, other than normal maintenance necessary to retain the original structure of the sign; or
 - (b) If two-thirds of the occupants are removed from the structure.
 - (a) Change of business/ownership name or change of sign face to reflect new ownership, business logo, message; or
 - (b) Any sign prohibited by the adoption of this chapter shall be removed within ninety (90) days from written notification if erected, constructed, or placed subsequent to the

adoption of this chapter.

9-821. Billboards or Digital billboards whether structural or mobile are not allowed within the City of Red Bank. Except by Special Exceptions permit issued by the Red Bank City Commission upon recommendation from the Red Bank Planning Commission. There shall be no more than five Special Exemptions Permits issued within the city for digital billboards.

If a Special Exceptions Permit for a digital billboard is granted by the Red Bank City Commission then five (5) traditional billboards of the same size including the structural supports thereof shall be removed from the City of Red Bank and the total number of allowable traditional billboards will be reduced by five (5).

Sections 9-822 through 9-825. Scenic Corridors Established and the Red Bank Zoning Ordinance Section 14-403 number of permitted billboards allowed within the City of Red Bank. No sign shall exceed thirty-five (35) feet in height or fifty (50) feet in width, more particularly, the highest portion of a sign or sign structure shall not exceed the lower of and no larger than (288) square feet in sign area.

9-826. Prohibited on-premise signs and devices.

1. Use of the following on-premise signs shall be prohibited:
 - (a) Portable signs, except where specifically permitted for an authorized temporary use in accordance with this chapter.
 - (b) Banners in excess of thirty-two (32) square feet in sign area.
 - (c) Snipe signs. See definition.
 - (d) Roof signs, except balloon signs which may be permitted as temporary signs under 9-827 through 9-830 of this chapter.
 - (e) Any sign printed on or attached to a vehicle and used as a stationary sign.
 - (f) Freestanding signs or devices are prohibited with moving parts, wind activated, flags feather signs or animation or sound-emitting devices or similar except not to exceed 30 days by a temporary sign permit and no more than ninety (90) days running consecutive in any one calendar year.
 - (g) Grand opening events not lasting more than ten (10) days are not required to be permitted but must inform the public works office of such event.
 - (i) That permanently attached message centers are allowed if built in the monument sign provided, that a sign permit is obtained pursuant to this chapter, and
 - (ii) That signs displaying messages, through lights or digital technology that vary in illumination or intensity shall be allowed, provided, that each display shall remain constant for a minimum of at least six (6) seconds.
 - (h) Neon tube lights, LED digital signs or Reader boards shall not be attached to any building or window facade. Except Auxiliary Signs, Snipe signs or similar will be included in the 25% calculation of the total building or window facade. See Definitions Auxiliary signs, Snipe signs, Incidental signs.
 - (i) Liquor Store Sign Requirements Title 8 Section 8-128 through 8-129 of the Red Bank Municipal code for Liquor Store Sign Requirements.
 - (j) Lights which outline windows, buildings, doors on any on- premise or off-premise structures shall not blink, pulsate, flash or strobe.
 - (k) Billboards Off-Premise or On-Premise Freestanding pole signs “Except by Special

Exception Permit” issued by the Red Bank City Commission upon recommendation from the Red Bank Planning Commission.

2. Except as provided in 9-827 through 9-830 the use of streamers, pennants, pinwheels, flags (other than those permitted by 9-839), tinsel and any other device which hangs freely and is intended to be wind-activated or to circulate, flap, rotate, blow or otherwise be put in motion by the wind shall be prohibited. Except Temporary signs, Special events, Grand openings, Section 9-827.
3. Any on-premise sign with a sign area exceeding (175) square feet.

9-827. Authorized use of temporary signs, banners, Wind activated devices and Special events Grand openings and Sales events. Banners, portable signs and balloon and inflatable signs shall be allowed on-premise for certain temporary uses only. A temporary sign permit and Fee shall be required prior to placement or erection of such sign or banner. Each occupant of a premises shall be entitled to obtain a temporary sign permit. Any such temporary sign permit shall be issued only in accordance with the following:

2. **Limit on use of temporary signs, banners, wind activated devices.** No person or occupant shall be eligible for issuance of the following signs for more than a total of 90 days during any calendar year, and no occupant or premises shall be allowed to display signs within any consecutive 30 day period. Each occupant shall be allowed no more than two (2) of the follow signs at any one time temporary signs, banners, or wind activated devices of any type.

9-830. “Banners”. All banners shall not exceed 32 square feet in size. A sign permit and fee shall be required for all banners but shall be subject to the provisions of Section 9-827. Banners shall be allowed by permit meeting the requirements of this ordinance for off-premise and on-premise signs. An occupant may display only (2) banners at any one time whether attached or detached. (Except Sport Field Sponsorship banners on-premise). Off-premise banners for Sport fields are subject to the provisions of 9-827.

9-833. “Number and size of permitted Monument On-Premise signs”.

4. The number of attached signs for a premises, or for each occupant of a premises, shall not be limited, but the total sign area of attached signs shall not exceed twenty (20%) percent of the area of the facade to which the signs are attached. The number of words in an attached sign (excluding a message center) shall not be limited, but not more than eight (8) words attached to a facade may contain any letters in excess of eight (8) inches in height. If any premises is entitled to use a Monument sign pursuant hereto but does not do so, then the total sign area of attached signs an each facade may be increased but shall in no event exceed thirty (30%) percent of the area of the facade to which the signs are attached.

9-834. Maximum size limitations for Monument signs.

1. **“On-Premise Monument signs no more than 2 occupants”** Support system can be no greater than 32 square feet and can not be higher than 6 feet. The support material permitted will be masonry or masonry in combination with construction material (EFIS) Exterior Finish Insulation System and match the architecture features of the building that

the sign serves. The sign copy face area of a Monument sign shall not exceed 16 square feet in size per sign face and may not be higher than 4 feet per side. Submit drawings, renderings or photograph showing sign design and placement location and distance of the sign in relation to the right-of-way of any roads, driveways, sidewalks or easements.

2. **“On-Premise Monument signs which have more than two (2) occupants”.** The Monument sign support system shall be no greater than 100 square feet and may not be higher than 8 feet. The support material permitted will be masonry or masonry in combination with construction material (EFIS) Exterior Finish Insulation System and match the architecture features of the building that the sign serves. Submit drawings, rendition or photographs showing sign design and placement location and distances from right-of-ways. A set of stamped plans will be required from a registered architect showing design, wind loads, footing details, electrical and the placement location of the signs in relation to the right-of-way of any roads, driveways, sidewalks or easements when the sign is larger than 32 square feet or more than 6 feet in height.
3. **Message Centers, Reader Boards. Changeable copy signs** are permitted but must be built within the construction of the sign. They can not be attached to any part of the outside of the monument sign.

9-836. “General regulations of permitted permanent On-Premise Freestanding Pole signs”. Other than signs which are prohibited under the provisions of this chapter or which are permitted as temporary signs pursuant to this chapter, the section hereinafter shall regulate the general use of on-premise signs. Freestanding pole signs are only permitted by a Special Exceptions permit issued by the Red Bank City Commission upon recommendation of approval from the Red Bank Planning Commission.