

John Roberts
Mayor

City of Red Bank
Municipal Planning Commission

Randall G. Smith
City Manager

WORK SESSION AGENDA
June 18th, 2018
6:00 pm
Red Bank Community Center

I. CALL TO ORDER

II. ROLL CALL – Secretary – Billy Cannon

☐ Commissioner Cannon

☐ Commissioner Baker

☐ Commissioner Hafley

☐ Commissioner Smith

☐ Commissioner Browder

III. Agenda items for the June 21st regular planning commission meeting:

A. CONSIDERATION OF THE MINUTES

1. May 17th, 2018

B. NEW BUSINESS

1. Zoning Map Amendment, 621 and 637 Lullwater Rd, R-1 and R1-A to R-T/Z
2. Zoning Ordinance Amendment, Outdoor Storage and Display in C-1 and C-3
3. Zoning Ordinance Amendment, Short Term Rental Units
4. City Code Amendment to the Red Bank Sign Ordinance
5. Discussion of Zoning Ordinance Amendments and Table of Uses

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

June 21st, 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. May 17th, 2018

VI. NEW BUSINESS

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

B. Zoning Ordinance Amendment, Outdoor Storage Regulations

C. Zoning Ordinance Amendment, Short Term Rental Units

D. City Code Amendment to the Red Bank Sign Ordinance

E. Discussion of Zoning Ordinance Amendments and Table of Uses

VII. UNFINISHED BUSINESS

VIII. OTHER BUSINESS

IX. ADJOURNMENT



John Roberts
Mayor

MUNICIPAL PLANNING COMMISSION

Randall G. Smith
City Manager

MINUTES
May 17, 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 Browder called the roll. Commissioners Hafley, 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. April 15th, 2018 Meeting Minutes

A revised copy of the meeting minutes was distributed by staff with edits identified from the working meeting.

Motion by Commissioner Browder to approve the April minutes as revised. Second by Commissioner Baker. The motion passed unanimously.

VI. NEW BUSINESS

A. Midvale Highlands Revised PUD Plan and Subdivision Plat

Staff gave an overview of the revised Midvale Highlands PUD and revised final plat.

The applicant, Chris Anderson of Greentech Homes, gave an overview of the Revised PUD and the addition of a 15' strip of land to be added to the rear of lots 2 through 17.

Commissioner Browder mentioned that the original PUD agreement had limited future expansion of the PUD. Rocky Chambers with Chattanooga Engineering Group explained that the revised PUD would not result in an increase in lot density or an increase in the number of lots in the PUD.

Staff clarified for the applicant that this was the final meeting for approval of the PUD. The applicant asked for a copy of the approved minutes of this meeting. Staff agreed to provide the applicant with the approved minutes of the May Planning Commission meeting.

Commissioner Baker recused himself from voting on the approval of the PUD due to his involvement in the sale of the land to be incorporated into the Midvale Highlands PUD.

Motion by Commissioner Smith to approve the revised Midvale Highlands PUD and the revised Midvale Highlands final plat. Second by Commissioner Browder. Commissioners Smith, Hafley and Browder voted in favor of the motion. Motion passed.

B. Zoning Ordinance Amendment to Outdoor Storage Regulations

Staff gave an overview of the proposed amendment and noted that the amendment was intended to restrict the outdoor display and storage in C-1, not C-2 as shown in the draft amendment. The C-3 district was intended to remain in the amendment. Staff told the Planning Commission that an updated version of the amendment had not yet been received from the City.

Commissioner Browder asked why outdoor storage would be permitted in C-2 or C-3. Commissioner Browder stated that revisions to the C-3 district may be premature given pending amendments to this zoning district.

Chairman Hafley asked if the amendment should be deferred pending additional information from the City and an updated copy of the amendment. The other Planning Commission members agreed with this suggestion.

Motion by Commissioner Hafley to table the outdoor retail and storage amendment pending additional input from City staff and the receipt of an updated copy of the amendment. Second by Commissioner Smith. The motion passed unanimously.

C. City Code Amendment to Red Bank Sign Ordinance

Staff gave an overview of the draft Sign Ordinance, but noted that additional information on the intent of certain sections would require additional input from the City Manager, who was not in attendance at the regular meeting.

Commissioner Browder expressed a need for more information on the intent and background of code amendments submitted to the Planning Commission.

Chairman Hafley asked if it was the consensus of the Planning commission that pole signs should be prohibited. The other planning commissioners agreed.

Commissioner Smith stated 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. Commissioner Smith suggested that the draft Sign Ordinance be revised to create an exception for sponsorship banners at sports facilities.

Chairman Hafley agreed with Commissioner Smith that sports facilities sponsorship signs should be exempted from requirements related to the direction that signage is displayed. Commissioner Browder also felt that there should be an exemption for sponsorship signs at local sports facilities like the community pool and the ball fields.

Chairman Hafley believed that the draft Sign Ordinance could be more succinct in several areas, but that more information was needed from the City Manager to adequately evaluate specific sections of the draft sign ordinance.

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

D. Discussion of Zoning Ordinance Amendments and Table of Uses

Motion by Commissioner Hafley to table the discussion of Zoning Ordinance edits for the June 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: June 13, 2018
Subject: Rezoning Request for 621 and 637 Lullwater Rd – R-1 and R1-A to R-T/Z

SUMMARY

Request: R-1 & R1-A Residential to R-T/Z Residential Townhouse / Zero Lot Line	
Tax Map #: Map 117N Group A Parcels 007, 006, 002	Address: 621 Lullwater Rd; 637 Lullwater Rd
Owner: Michael Cinelli	Applicant: Michael Cinelli
Area: 1.18 acres; 1.2 acres; 1.05 acres	Floodplain: No
Existing Use: existing home, vacant	Proposed Use: 6 residences with 50' frontage
Adjacent Uses: single-family residential, duplexes	Adjacent Zoning: R-1, R-2, R1-A

Background: An application has been submitted by the owner of three properties on Lullwater Road for a rezoning from R-1 and R1-A to R-T/Z. The owner of the property intends to subdivide the three properties into six lots with 50-foot wide lots for single-family homes.

Recommendation: Approval of the rezoning from R-1 and R1-A to R-T/Z. Consider conditions to limit density to proposed levels.

ANALYSIS

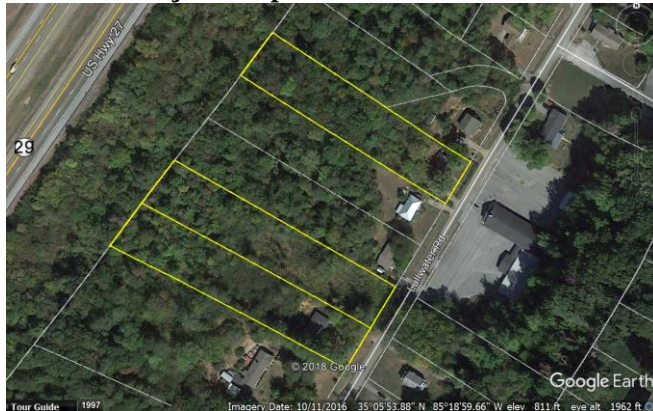
Existing and Proposed Use

The 1.18-acre parcel 007 at 621 Lullwater Rd is occupied by a single family detached dwelling that will be demolished. The adjacent 1.2-acre parcel 006 is undeveloped. The 1.05-acre parcel 002 at 637 Lullwater Rd is occupied by a single family detached dwelling that will be demolished. The subject properties have access to public sewer and water on Lullwater Road.

The owner intends to re-subdivide each of the three parcels into two lots and construct single-family detached dwellings on each of the six lots. Each proposed lot will have 50 feet of frontage on Lullwater Road. Each lot would have an area several times larger than the 7,500 square foot minimum in R-1 and

R1-A zones, and four to five times larger than the minimum area for R-T/Z zones. No plans or footprints for the proposed homes have been submitted.

Aerial of Subject Properties



	Lot Area (Sq Ft)	Lot Acreage	Frontage (LF)	Depth (LF)
Parcel 007	51,401	1.18	100	500
Proposed Lot 1	25,700	0.59	50	500
Proposed Lot 2	25,700	0.59	50	500
Parcel 006	52,708	1.21	100	510
Proposed Lot 3	26,354	0.605	50	510
Proposed Lot 4	26,354	0.605	50	510
Parcel 002	45,738	1.05	100	475
Proposed Lot 5	22,869	0.525	50	475
Proposed Lot 6	22,869	0.525	50	475

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 single-family homes to the north and south. There is a Baptist Church across the street. An R-2 with duplexes is located just north of the subject properties. All three properties continue up the ridge to abut the TDOT right-of-way for US-27.

The distance of the properties from the commercial corridor is greater than that of other properties rezoned to R-T/Z or RZ-1. While higher density patio homes and townhome development permitted under the R-T/Z zoning are generally encouraged in neighborhoods closer to the commercial corridor, the relatively large lots proposed by the applicant and surrounding high-density development 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 R1-A to R-T/Z rezoning request with the condition that density is limited to the six lots proposed in the rezoning application.

APPENDIX

Property Card

Location 637 LULLWATER RD	Property Account Number 43160	Parcel ID 117N_A_002
Property Type 22	Land Use 111	District RED BANK

Current Property Mailing Address

Owner **CINELLI MICHAEL** City **CHATTANOOGA**
 Address **3926 KENSINGTON DR** State **TN**
 Zip **37415**

Current Property Sales Information

Sale Date **3/23/2018** Legal Reference **11307-0794**
 Sale Price **\$38,000** Grantor(Seller) **BANK OF NEW YORK MELLON TRUST CO**

Current Property Assessment

Building Value **\$34,500**
 Xtra Features Value **\$0**
 Land Value **\$35,800**
 Total Value **\$70,300**
 Assessed Value **\$17,575**

Narrative Description

This property is classified as **RESIDENTIAL** with a(n) **RANCH** style structure on this card, built about **1950** with **898** square feet.

Land Description

The total land area of this property is (100X475IRR).

Legal Description

1930A 17 17 PT LOT 37 SUBURBAN ESTATES N/R

Location LULLWATER RD	Property Account Number 43164	Parcel ID 117N_A_006
Property Type 22	Land Use 910	District RED BANK

Current Property Mailing Address

Owner **REINVENTING CHATTANOOGA LLC** City **CHATTANOOGA**
 Address **P O BOX 15923** State **TN**
 Zip **37415**

Current Property Sales Information

Sale Date **3/8/2018** Legal Reference **11289-0483**
 Sale Price **\$18,000** Grantor(Seller) **LAMB DEWEY R & JEAN M**

Current Property Assessment

Building Value **\$0**
 Xtra Features Value **\$0**
 Land Value **\$24,700**
 Total Value **\$24,700**
 Assessed Value **\$6,175**

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 (100X510IRR).

Legal Description

LOT 34 SUBURBAN ESTATES N/R 1930A 17 20

Location 621 LULLWATER RD	Property Account Number 43165	Parcel ID 117N_A_007
Property Type 22	Land Use 111	District RED BANK

Current Property Mailing Address

Owner **REINVENTING CHATTANOOGA LLC** City **CHATTANOOGA**
 Address **P O BOX 15923** State **TN**
 Zip **37415**

Current Property Sales Information

Sale Date **4/12/2018** Legal Reference **11342-0336**
 Sale Price **\$61,500** Grantor(Seller) **GILLANI FIROZ N & DILSHAD F**

Current Property Assessment

Building Value **\$5,200**
 Xtra Features Value **\$0**
 Land Value **\$40,200**
 Total Value **\$45,400**
 Assessed Value **\$11,350**

Narrative Description

This property is classified as **RESIDENTIAL** with a(n) **RESIDENCE** style structure on this card, built about **1970** with **1,260** square feet.

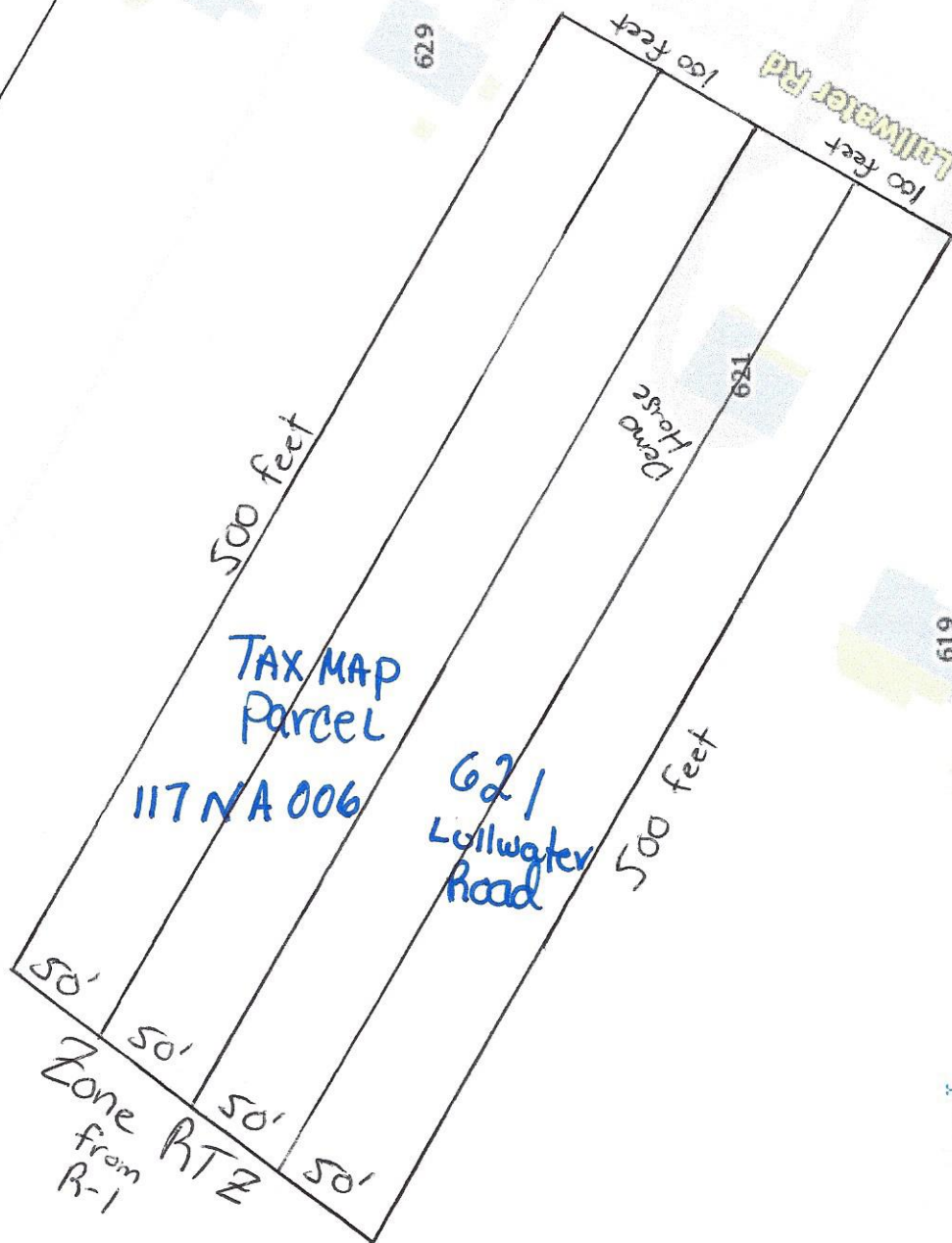
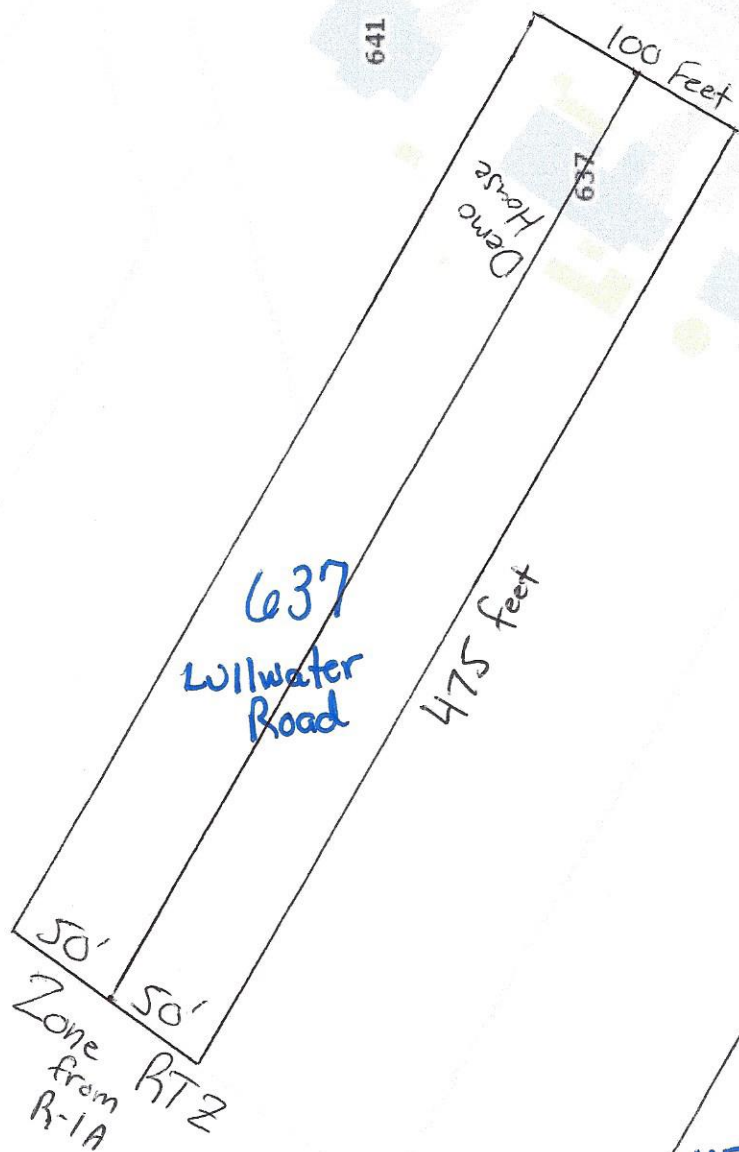
Land Description

The total land area of this property is (100X500IRR).

Legal Description

PT LT 33 SUBURBAN ESTATES N/R

Reinventing Chattanooga LLC
Mike Cinetti
423-314-8920



1500'

100ft



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 1/2% 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 Municipal Planning Commission
From: Brian Taylor, SETDD Regional Planner
Date: June 13, 2018
Subject: Draft Amendment to Zoning Ordinance to regulate Short Term Rentals

SUMMARY

Proposal:	Amendments to regulate Short Term Rentals in Zoning Ordinance
Background:	The City has proposed an amendment to restrict Short Term Rentals to specific zoning districts. A separate city code amendment established specific regulations and a permitting process for short term rental units.

ANALYSIS

The proposed amendment to the Zoning Ordinance would limit short term rental units to R-3, R-4 and all commercial zoning districts. The amendment classifies short term residential rental units as a prohibited use in all other residential zoning districts.

Short term rental units (STRUs) are overwhelmingly located in residential neighborhoods, not on commercial strip corridors or in apartment complexes. This ordinance would effectively prohibit new short-term rental units in Red Bank and any existing short-term rentals that do not meet the new standards defined by TCA.

This zoning ordinance amendment was first reviewed by the Planning Commission in February 2018, and has been updated to permit existing short term rental units as recently defined in **TCA 13-7-602** under the Short Term Rental Unit Act.

Excerpt from Zoning Ordinance Amendment

IV. SECTION 14-304. R-2 Residential Zone

(A) Renummer subsection 304.01, Permitted Uses, as:
304.01(A) Permitted Uses.

(B) Add a new subsection, to wit:

Red Bank Zoning Ordinance, R-2

304.01(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.
- (5) Short term residential rental units, with the exception of duly permitted and previously existing "Grandfathered short term rental units" as defined herein and as required by T.C.A. Section 13-7-106, et seq.

This new state legislation does not preempt local zoning; however, it does provide nonconforming use protection for those STRUs that were permitted and operating legally prior to any zoning change that bans the rentals. In jurisdictions such as Red Bank, where there was no pre-existing permitting process for STRUs, the STRU owner must demonstrate that they remitted taxes due on the rental unit for filing periods that cover at least six months within the twelve-month period preceding the effective date of the Short Term Rental Unit Act in 2018.

Excerpt from TCA 13-7-602

(3) "Used as a short-term rental unit" means the property was held out to the public for use as a short-term rental unit, and:

(B) For property that began being held out to the public for use as a short-term rental unit within the jurisdiction of a local governing body that did not require a permit to be issued or an application to be approved pursuant to an ordinance specifically governing short-term rental units, the provider remitted taxes due on renting the unit pursuant to title 67, chapter 6, part 5 for filing periods that cover at least six (6) months within the twelve-month period immediately preceding the later of:

(i) The effective date of this act; or

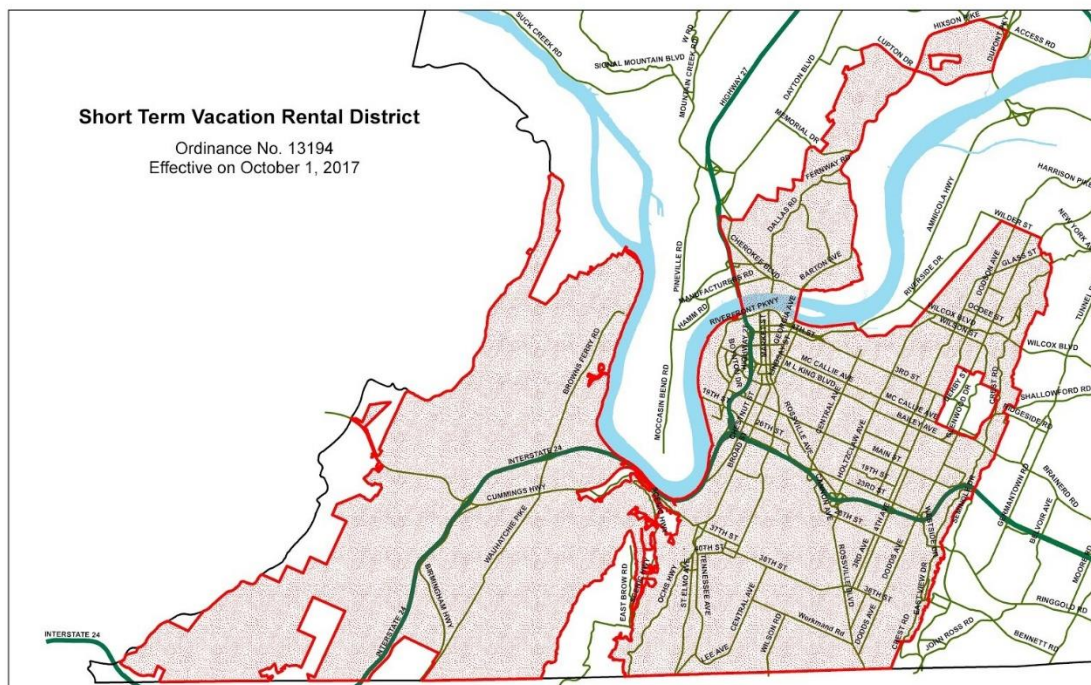
(ii) The effective date of an ordinance, resolution, regulation, rule, or other requirement by a local governing body having jurisdiction over the property requiring a permit or an application to be approved pursuant to an ordinance specifically governing short-term rental units;

Under TCA 13-7-603, the nonconforming use protection may be removed if an operation violates any local laws three or more times. The non-confirming status of an existing STRU is also lost if the property is sold or ceases being used as an STRU for a period of thirty continuous months.

The Short-Term Rental Unit amendment to the Red Bank City Code reviewed by the Planning Commission in February 2018 proposed an extensive list of regulations to ensure that these uses were operated with minimal impact on neighboring residences. The City Code amendment has not been resubmitted to the Planning Commission. The STRU regulations proposed in the City Code amendment appeared to be modeled on the regulations passed by the City of Chattanooga.

Chattanooga passed an ordinance regulating short term residential rental units in 2017. The ordinance established an overlay zone that permits short term residential rental units in the downtown and most adjacent residential neighborhoods. An application process and minimum standards were established to reduce nuisance impacts on neighboring properties. The draft Red Bank amendment to the City Code that establishes the application process and standards appears to be largely adapted from the City of Chattanooga ordinance, but the Red Bank Zoning Ordinance amendment is much more restrictive in terms of where STRUs are permitted.

City of Chattanooga Short Term Rental Unit District



Short term rental units, popularized through websites such as AirBnB, are still a relatively new use in many cities, and have impacts on neighborhoods that are debatable or still unclear. Public comments at a recent Red Bank City Commission meeting revealed that many residents, unbeknownst to their neighbors, operate STRUs at their residence or other residential property in Red Bank.

There is no single best practice for regulation STRUs. Many cities are combining robust permitting and regulation with more modest limits on the neighborhoods or zones where STRUs are permitted, such as those shown in the Short Term Rental Unit District for Chattanooga.

APPENDIX

Summary of Amendment to Red Bank City Code (February 2018 Draft)

The proposed amendment to the Title 9 of the City Code would define short term rentals, establish minimum standards for short term rentals, and establish an application process to obtain the required certification. Key sections of proposed Chapter 16 are summarized below.

Section 9-16-101. Short term residential rental units

- A residential dwelling
- exclusive of hotels or motels, boarding houses, bed and breakfast units
- containing not more than five (5) bedrooms
- rented or leased wholly or partially for overnight stays of 30 days or less
- subject to certification and issuance and maintenance of permit

Section 9-16-103. Certificate required.

Section 9-16-104. Minimum standards for short term residential rental units

- No on-site signage
- Maximum occupancy for rooms up to 140 square feet: 2 persons per bedroom
- Maximum occupancy for rooms over 140 square feet: Area of room / 70 square feet

Section 9-16-105. Certificate application; action on certificate application; certificate approval or appeals to City Commission

- Application Fee: \$75 for owner-occupied, \$125 for non-owner-occupied

Section 9-16-106. Certificate approval, transferability, conditions and revocation

- The City Manager reserves the right to condition the approval to a certain number of rooms, operating days/hours, signage, or other restrictions, including but not limited to vegetative or other sight screening and directional outdoor lighting requirements, as may be deemed necessary to address impacts to adjacent or nearby properties and/or to ensure safe operation of the property.

Section 9-16-107. Short term residential rental unit annual fee

- \$50 annual fee

Section 9-16-108. Short term residential rental agent

- Designated agent required to appear on the premises of any short term residential rental unit within two hours following notification from the City of issues related to the use or occupancy of the premises.

Section 9-16-109. Failure to obtain certificate; penalties

APA PAS Report on Short Term Residential Rental Units

A report from the American Planning Association summarized the challenges and opportunities presented by short term residential rental units and provides some best practice examples for regulating short term residential rental units.

Opportunities

- Supplement income and make use of underutilized space
- Promote economic ripple effects of housing tourists in neighborhoods throughout city

Challenges

- Potential nuisance impacts on adjacent homes
- Economic impacts of unregulated competition to hotels and B&Bs
- Loss of local revenue from transient occupancy tax

- Impacts on local rental housing markets and affordability

The APA report calls for clear and easily enforced ordinances that avoid blanket prohibitions and onerous regulations. There is no one-size-fits-all recommendation regarding where rentals should be prohibited or permitted.

ORDINANCE NO. 18-

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND
ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE TO
CLARIFY ZONING ~~PROVISIONS~~~~REGULATIONS~~ RELATED TO SHORT
TERM RENTAL UNITS

WHEREAS, the City Commission recognizes the increasing existence, locally, regionally, statewide and nationally, of commercial and/or quasi-commercial endeavors whereby residential dwelling units are leased, rented, utilized or occupied, in exchange for a fee and/or various forms of consideration, on a short term basis, and often advertised on or promoted pursuant to internet or digitally based platforms and/or other forms of social media; and

WHEREAS, the current Red Bank Zoning Ordinance and regulations clearly prohibit such commercial or quasi-commercial or similar residential occupancy endeavors in almost all of the residential zones of the City, and except as relates to zones R-3 and zones R-4 Special, i.e. in the context of boarding and/or rooming houses as defined in the Red Bank City Zoning Ordinance; and

WHEREAS, the Board finds and determines that the present utilization of commercial and/or quasi-commercial short term rental units within most of the residential zones in the City, except zones R-3 and R-4 Special would be contrary to the land use plan and to the finding and objectives of the City, would be likely deleterious to the community residential atmosphere(s) sought to be fostered and encouraged by the Commission and by the Red Bank Planning Commission; and

WHEREAS, utilization of residential properties by short term occupants, on a commercial or quasi-commercial basis, likely increases the risk and likelihood of potentially irresponsible and/or interruptive behavior or conduct by some short term rental unit occupants and is of sufficient concern to recommend prohibition of such uses in all residential zones except for R-3 and R-4 Special; and

WHEREAS, short term residential rental units are more compatible with zoning uses and zoning plans found in ~~the~~less restrictive residential zones and commercial zones in the City of Red Bank where more adequate and appropriate facilities, customs and similar uses have historically been encouraged, permitted and provided for. The State of Tennessee has recently enacted legislation, codified at T.C.A. Section 13-7-801, et seq. addressing and pre-empting some aspects of the regulation by zoning of certain existing short term rental units.

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

SECTION 1. Ordinance No. 15-1020, codified at Red Bank City Code Section 14-101-

14-1101, et seq., shall be and the same is hereby amended as follows:

I. SECTION 14-202. Definitions

(A) Add a new subsection, to wit:

202.82 Short Term ~~Residential~~ Rental Unit defined: A residential dwelling, exclusive of hotels or motels, boarding houses, bed and breakfast units, or other licensed dwelling units, including but not limited to a single family dwelling or a unit in a multi-unit residential building, such as an apartment building, condominium, cooperative or time share, and containing not more than five (5) bedrooms, in such zones as the same are permitted, that is rented or leased wholly or partially for overnight stays, for a fee or other exchange of consideration for a or any period(s) of thirty (30) continuous days or less, subject to certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code. “Short term rental unit” or “unit” means a residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in T.C.A. Section 68-14-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in Section T.C.A. 68-14-502.

202.82(a) Grandfathered Short Term Rental Units defined: A short term rental unit for property that began being held out to the public for use as a short term rental unit within the City of Red Bank, and as to which the owner/manager provides thereof remitted taxes due on renting the unit pursuant to the provisions of Tennessee Code Annotated Section 67-6-501, et seq. for filing periods that cover at least six (6) months within the twelve month period immediately preceding the effective date of this Ordinance, i.e. _____, 2018, such short term residential unit pre-existing (as defined herein) the effect date of this Ordinance shall be hereafter referred to as “Grandfathered short term rental units”.

II. SECTION 14-301. R-1 Residential Zone

(A) Renumber subsection 301.01, Permitted Uses, as 301.01(A), Permitted Uses.

(B) Add a new subsection, to wit:

301.01 (B) Prohibited Uses

(1) Uses expressly permitted in any other zoning

district unless also expressly permitted in this zoning district.

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

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(5) Short term residential rental units, with the exception of duly permitted and previously existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

III. SECTION 14-303. R-1 Open Space Residential Zone

(A) Renumber subsection 303.04, Permitted Uses, as:

 303.04(A); Permitted Uses.

(B) Add a new subsection, to wit:

303.04(B) Prohibited Uses

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

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

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(5) Short term residential rental units, with the exception of duly permitted and previously existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

IV. SECTION 14-304. R-2 Residential Zone

(A) Renumber subsection 304.01, Permitted Uses, as:

304.01(A); Permitted Uses.

(B) Add a new subsection, to wit:

304.01(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.
- (5) Short term residential rental units, with the exception of duly permitted and previously existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-106, et seq.

V. SECTION 14-305. R-3 Residential Zone

(A) Renumber subsection 305.01, Permitted Uses, as 305.01(A), Permitted Uses and ~~add a new~~ revise subsection ~~(N)~~ (J) to ~~the list of permitted uses: (N) Short~~ add “Short Term Residential-Rental Units, subject to certification and issuance and maintenance of a current short term short term residential-rental unit permit, and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code” to the provisions of the existing subsection (J).

(B) Add a new subsection, to wit:

305.01(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.

- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

~~(C) Amend 305.01(A)(J), Permitted Uses, to read:~~

~~(J) Boarding and lodging houses, and short term residential rental units.~~

VI. SECTION 14-306. R-4 Special Zone

(A) Renumber subsection 306.01, Permitted Uses, as 306.01(A), Permitted Uses and add a new subsection (N) to the list of permitted uses:

(N) Short Term ~~Residential~~-Rental Units, subject to certification and issuance and maintenance of a current short term residential rental permit, and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code.

(B) Add a new subsection, to wit:

306.01(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(C) Amend 306.01(A)(B), Permitted Uses, to read:

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

VII. SECTION 14-307. PUD Planned Unit Development

(A) Add a new subsection, to wit:

307.02(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.
- (5) Short term residential rental units, with the exception of duly permitted and otherwise qualified “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

VIII. SECTION 14-308. RT-1 Residential Townhouse Zone

(A) Renumber subsection 308.02, Permitted Uses, as:

 308.02(A); Permitted Uses.

(B) Add a new subsection, to wit:

308.02(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank

Planning Commission.

(5) Short term residential rental units, with the exception of duly permitted and otherwise qualified “Grandfathered short term rental units” as required by T.C.A. Section 13-7-601, et seq.

IX. SECTION 14-309. RZ-1 Zero Lot Line Residential Zone

(A) Renumber subsection 309.02, Permitted Uses, and add on new subsection () Short Term Rental Unitsas:

_____ 309.02(A); _____ Permitted Uses.

(B) Add a new subsection, to wit:

309.02(B) Prohibited Uses

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

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

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(5) Short term residential rental units, with the exception of duly permitted and previously existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

X. SECTION 14-310. R-T/Z Residential Townhouse/Zero Lot Line Zone

(A) Renumber subsection 310.02, Permitted Uses, and add a new subsection () Short Term Rental Units, subject to certification and issuance and maintenance of current short term rental permit as:

_____ 310.02(A); _____ Permitted Uses.

(B) Add a new subsection, to wit:

310.02(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.
- ~~(5) — Short term residential rental units with the exception of duly permitted and previously existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.~~

XI. SECTION 14-311. R-5 Residential Zone

- (A) Renumber subsection 311.01, Permitted Uses, and add a new subsection () Short Term Rental Units, subject to certification and issuance and maintenance of current short term rental permit as:

 311.01(A); Permitted Uses.

- (B) Add a new subsection, to wit:

311.01(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank

Planning Commission.

~~(5) — Short term residential rental units, with the exception of duly permitted “Grandfathered short term rental units” as required by T.C.A. Section 13-7-601, et seq.~~

XII. SECTION 14-402. C-1 Commercial Zone

(A) Amend subsection 402.02(K), Permitted Uses, to read as follows:

(K) Hotels/motels, short term residential rental units, subject to certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code.

XIII. SECTION 14-404. C-2 Commercial Zone (Central Business District)

(A) Amend subsection 404.02, Permitted Uses, at subsection (S) thereof to read:

(S) Single-family detached dwellings, except manufactured homes, but to include short term residential rental units, subject to certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code.

(B) Amend subsection 404.03, Prohibited Uses, at subsection (H) thereof to correct a typographical/stenographic error so that subsection (H) reads:

(H) New or used automobile, boat, farm equipment, motorcycle, recreational vehicle sales or dealerships or uses similar in character

(C) Amend subsection 404.03(K), Prohibited Uses, to read as follows:

(K) In general, any use not in keeping with the character and intent of this zone, i.e. uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district, any industrial uses

XIV. SECTION 14-405. C-3 Neighborhood Commercial Zone

(A) Amend subsection 405.03(Q), Permitted Uses, to read as follows:

(Q) Dwellings, excluding manufactured or mobile homes when in the same building as one of the permitted uses, including, if applicable, short term residential rental units, subject to

certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code.

SECTION 2. 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 3. 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



State of Tennessee
PUBLIC CHAPTER NO. 972

HOUSE BILL NO. 1020

By Representative Cameron Sexton

Substituted for: Senate Bill No. 1086

By Senator Stevens

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 13; Title 56; Title 62; Title 66; Title 67 and Title 68, relative to short-term rental units.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, is amended by adding the following new part:

13-7-601.

This part shall be known and may be cited as the "Short-Term Rental Unit Act."

13-7-602.

As used in this part:

(1) "Effectively prohibit" means a local governing body acts or fails to act in a manner that prevents a property owner from using the owner's property as a short-term rental unit after reasonable compliance with generally applicable local laws;

(2) "Generally applicable local law" means an ordinance, resolution, regulation, rule, or other requirement of any type other than zoning enacted, maintained, or enforced by a local governing body that applies to all property or use of all property and does not apply only to property used as a short-term rental unit;

(3) "Used as a short-term rental unit" means the property was held out to the public for use as a short-term rental unit, and:

(A) For property that began being held out to the public for use as a short-term rental unit within the jurisdiction of a local governing body that required a permit to be issued or an application to be approved pursuant to an ordinance specifically governing short-term rental units prior to using the property as a short-term rental unit, a permit was issued or an application was approved by the local governing body for the property; or

(B) For property that began being held out to the public for use as a short-term rental unit within the jurisdiction of a local governing body that did not require a permit to be issued or an application to be approved pursuant to an ordinance specifically governing short-term rental units, the provider remitted taxes due on renting the unit pursuant to title 67, chapter 6, part 5 for filing periods that cover at least six (6) months within the twelve-month period immediately preceding the later of:

(i) The effective date of this act; or

(ii) The effective date of an ordinance, resolution, regulation, rule, or other requirement by a local governing body having jurisdiction over the property requiring a permit or an

application to be approved pursuant to an ordinance specifically governing short-term rental units;

(4) "Local governing body" means the legislative body of a city, municipality, county, or other political subdivision of this state that has authority to enact a zoning ordinance, resolution, regulation, rule, or other requirement of any type regarding land use in its jurisdiction;

(5) "Prohibit" means to forbid or ban the operation of short-term rental units, either permanently or temporarily, within a local governing body's jurisdiction, portion of the local governing body's jurisdiction, or a portion of an owner's property;

(6) "Property" means a tract of land as recorded with the register of deeds office of the county where the property is located;

(7) "Provider" means any person engaged in renting a short-term rental unit and includes an owner of a residential unit that is made available through a vacation lodging service as that term is defined in § 62-13-104;

(8) "Residential dwelling" means a cabin, house, or structure used or designed to be used as an abode or home of a person, family, or household, and includes a single-family dwelling, a portion of a single-family dwelling, or an individual residential dwelling in a multi-dwelling building, such as an apartment building, condominium, cooperative, or timeshare; and

(9) "Short-term rental unit" or "unit" means a residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in § 68-14-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in § 68-14-502.

13-7-603.

(a) Except as otherwise provided in subsection (b), an ordinance, resolution, regulation, rule, or other requirement of any type that prohibits, effectively prohibits, or otherwise regulates the use of property as a short-term rental unit shall not apply to property if the property was being used as a short-term rental unit by the owner of the property prior to the enactment of the ordinance, resolution, regulation, rule, or other requirement by the local governing body. The ordinance, resolution, regulation, rule, or other requirement in effect at the time the property began being used as a short-term rental unit is the law that governs the use of the property as a short-term rental unit until the property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times as provided by § 13-7-604. For purposes of this subsection (a), an ordinance, resolution, regulation, rule, or other requirement is in effect at the time it is lawfully enacted by the local governing body and not the time in which it is introduced for consideration by the local governing body.

(b) Notwithstanding subsection (a), an ordinance, resolution, regulation, rule, or other requirement of any type enacted prior to January 1, 2014, that prohibits or effectively prohibits the use of property as a short-term rental unit may apply to any property within a local governing body's jurisdiction, regardless of the property's existing use. However, this subsection (b) applies only to ordinances, resolutions, regulations, rules, or other requirements that expressly limit the period of time a residential dwelling may be rented, and does not apply to ordinances, resolutions, regulations, rules, or other requirements that generally prohibit commercial activity or the renting of residential dwellings to transients.

13-7-604.

(a) Section 13-7-603 does not prevent a local governing body from prohibiting the continued use of property as a short-term rental unit if, as a direct result of the operation of the short-term rental unit, the unit has been in violation of a generally applicable local

law three (3) or more separate times, and the provider has no appeal rights remaining for any of the three (3) violations. The burden of proof that a violation of a generally applicable local law was a direct result of the operation of the short-term rental unit is on the local governing body.

(b)

(1) The local governing body may authorize short-term rental units through a permitting or application process.

(2) Notwithstanding this part to the contrary, a local governing body that authorizes short-term rental units through a permitting or application process pursuant to subdivision (b)(1) may suspend the continued use of property as provided in § 13-7-603(a) during the time that the unit does not maintain a permit or approved application if the permitting or application requirements are reasonable.

(3) Nothing in this subsection (b) extinguishes a provider's right to continued use of property as a short-term rental unit set out in § 13-7-603(a) unless the property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times as provided by subsection (a).

(c) A local governing body that accepts public complaints regarding the operation of short-term rental units in its jurisdiction pursuant to a permitting or application process shall assure that all complainants are notified that any false complaint made against a short-term rental unit provider are punishable as perjury under § 39-16-702.

(d) If a local governing body prohibits, effectively prohibits, suspends, or otherwise regulates property used as a short-term rental unit that is also subject to § 13-7-603(a), the provider may challenge the prohibition, regulation, suspension, or regulation as in conflict with this part through a civil action or appeal. The circuit or chancery court has jurisdiction of any appeal instituted by a provider pursuant to this subsection (d) and review is de novo.

13-7-605.

Nothing in this part prohibits:

(1) A condominium, co-op, homeowners association, or other similar entity from prohibiting or otherwise restricting an owner of property within the jurisdiction of the condominium, co-op, association, or other similar entity from using the owner's property as a short-term rental unit as provided for in the entity's governing documents;

(2) A lessor, through the terms of a lease agreement, from restricting the use of the leased property as a short-term rental unit; or

(3) A property owner from placing a restrictive covenant or easement on the property that restricts the future use of the property as a short-term rental unit as authorized under existing law.

13-7-606.

This part supersedes any ordinance, resolution, regulation, rule, or other requirement of any type enacted, maintained, or enforced by a local governing body that is in conflict with this part.

SECTION 2. Tennessee Code Annotated, Section 68-14-302(6), is amended by adding the following language to the end of the subdivision:

"hotel" does not include a short-term rental unit, as defined in § 13-7-602;



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: June 13, 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 2018 Planning Commission meeting have been added to this memo.

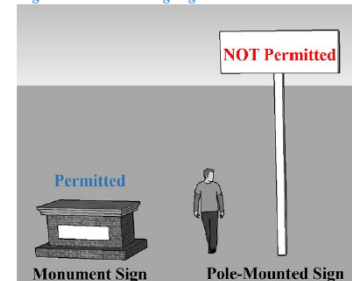
ANALYSIS

Pole 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.

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. 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.

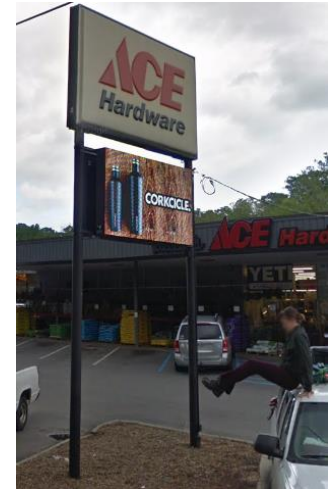


Sports Banners

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.

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.



RECOMMENDATION

Proposed regulations permitting pole signs as a special exception should be reconciled with Design Review Standards Ordinance which prohibits pole signs. There are many other revisions to the ordinance to be considered, but additional information is needed from City staff regarding the changes that have been made and the reasoning behind those decisions.

APPENDIX

Summary of Proposed Revisions to Red Bank Sign Ordinance

6/13/18

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.