

ORDINANCE NO. 13-998

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 532 OF THE RED BANK CITY CODE AND THEREBY THE RED BANK ZONING ORDINANCE AT CHAPTER 11, SECTION 202.37 THEREOF, WITH RESPECT TO HOME OCCUPATION PERMITS

WHEREAS, the City Commission finds that technological advances in the nature of Internet usage and computer generated documentation since the enactment of Ordinance No. 532 in 1986 has made it possible to conduct certain limited office setting type activities from the homes of individuals engaged therein and without disturbing or disrupting the residential character of neighborhoods; and

WHEREAS, the Red Bank Planning Commission considered this issue at a Public Hearing held on December 12, 2013, and

WHEREAS, the Red Bank Planning Commission recommended revisions to the existing Ordinance consistent with the provisions hereof; and

WHEREAS, real estate agents and/or insurance agents should not be excluded from eligibility for home occupation permits provided that only members of the same family living on the premises are engaged in such activities and all other activities related thereto are conducted via telephone, regular mail, Internet access and all other limiting conditions provided by Ordinance related to Home Occupation are adhered to; and

WHEREAS, the Commission also finds that the recommended verbiage to Section 1, Paragraph 4, in respect to sales, is appropriate; and

WHEREAS, the Commission reaffirms all other conditions and restrictions of otherwise qualifying Home Occupations as specified in Ordinance No. 532 and as set forth in Section 11-202, DEFINITIONS, of the Red Bank Zoning Ordinance, and specifically the descriptions and prohibitions found in Chapter 11, Section 202.37 thereof, subject to the provisions hereinafter set forth.

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

Section 1. Paragraph 4 of Ordinance No. 532, codified in the City of Red Bank Zoning Ordinance at 11-202-37 is amended to eliminate said Paragraph 4 as presently written and to substitute therefore the following:

- (4) There shall be no sales, either wholesale or retail of products, commodities or services from the premises. This section shall, however, not prohibit sales via telephone, computer, internet and/or regular mail and only by members of the same family living on the premises so long as there is no storage or sales of products or commodities on the premises other than as delivered by private vehicles. There shall be no utilization of commercial delivery trucks or vehicles for any such deliveries or sales.

Paragraph 13 of Ordinance No. 532, codified in the City of Red Bank Zoning Ordinance at Section 11-202.37 be amended to add and provide, immediately following the words "... insurance offices, real estate agent offices" the clarifying and limited parenthetical phrase:

(except and unless with respect to insurance agents and real estate agents, all activities are carried on via telephone, computer, Internet and/or regular mail and only by members of the same family living on the premises and all other limiting conditions and restrictions of the home occupation ordinance are observed - in which case a home occupation permit may be issued.)

Section 2. Every section, sentence, clause and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

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.

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MAYOR

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CITY RECORDER

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PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

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CITY ATTORNEY