



# RED BANK ZONING ORDINANCE

ORDINANCE NO. 15-1020



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## **ORDINANCE NO. 15-1020**

### **AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO ENACT AND ADOPT, AMEND AND REVISE THE RED BANK ZONING ORDINANCE AND TO REPEAL THE HERETOFORE EXISTING RED BANK ZONING ORDINANCE, TOGETHER WITH ALL AMENDMENTS**

WHEREAS, the heretofore existing and implemented Red Bank Zoning Ordinance known as Ordinance No. 304 and codified at Red Bank City Code Section 14-101. et seq., was last comprehensively enacted/reenacted in 1975; and

WHEREAS, the Red Bank Zoning Ordinance has been amended multiple times and in many and various circumstances in effort to change the pattern of development, progressive theories and practices of land usage and planning within the City of Red Bank and within adjoining jurisdictions; and

WHEREAS, the existing regulatory framework, more particularly set forth in the heretofore existing Red Bank Zoning Ordinance, has, over a period of time of almost forty (40) years, resulted in an increasingly complicated system of land use zoning, ordinances and regulation with the potential, in some instances, of the existence of some mutually exclusive provisions; and

WHEREAS, the City Commission has recognized the need for a comprehensive review, study and update of the City's Zoning and land use planning and regulatory scheme and has contracted for and participated extensively in a professional review of the heretofore established and applicable zoning laws, rules and regulations and has reviewed and studied multiple proposed concepts, plans, land use regulation schemes, ordinances and related plans, maps, and desired and existing patterns of development; and

WHEREAS, the City Commission and City administration and the Red Bank Planning Commission and professional consultants retained by the City have had multiple advertised public meetings, workshops, and reviews to carefully consider various alternatives, plans, concepts, existing and desirable land use plans, characteristics, and regulatory schemes and have settled the concept upon a comprehensive reworking and revitalization of the City's land use/zoning ordinances and accompanying rules and regulations; and

WHEREAS, the Ordinance hereby proposed was presented to the City's professional planning agency, i.e. The Southeast Tennessee Development District (SETDD) and SETDD in the context of the mandatory referral provisions of the Tennessee Code Annotated and the SETDD which considered the same extensively has recommended that the Red Bank City Commission adopt this Ordinance hereby presented as the RED BANK ZONING ORDINANCE of the City of Red Bank; and

WHEREAS, the Ordinance hereby proposed was presented to the Red Bank Planning

Commission in the context of the mandatory referral provisions of the Tennessee Code Annotated and the Red Bank Planning Commission which considered the same extensively in advertised and duly noticed and publicly held meetings, and which conducted a public hearing at which time(s) an overview of the Ordinance hereby presented was shared with the public, and public comments, questions and criticisms were had and received and responded to, after which the Red Bank Planning Commission has duly approved the Ordinance and recommended to the Red Bank City that the Red Bank City Commission adopt this Ordinance hereby presented as the RED BANK ZONING ORDINANCE of the City of Red Bank; and

WHEREAS, City Administration has had the Ordinance presented hereby “posted” on the City’s website and has advertised the date, time and place for a formal public hearing at which time the Ordinance was presented and reviewed in its entirety, and at which public hearing comments from the public/citizens and/or property owners of the City of Red Bank were had, received and responded to by various City officials, the City Commission, the professional planners retained by the City, and the aspects of this Ordinance were totally and fully considered; and

WHEREAS, pursuant to the authority of Section 13-7-201, et seq. of the Tennessee Code Annotated, and for the purposes of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the citizens and property owners of the City of Red Bank, the City Commission is empowered to regulate the location, height, width, number of stories, size of buildings and other structures, the percentages of lot(s) which may be occupied, sizes of yards, courts, and other open spaces, population density and the uses of buildings, structures and land for governmental activities, industry, residences, recreation, public activities and other places, and generally to enact zoning rules, laws and regulations, all pursuant to the authority expressly granted by the State of Tennessee, and to establish districts and zones within the corporate limits of the City of Red Bank for the purposes hereinabove stated and/or as otherwise authorized by statute; and

WHEREAS, the Board of Commissioners of the City of Red Bank deem it necessary, in order to lessen congestion in the streets, secure safety from fire or other dangers, to promote the general health and welfare, to provide adequate light, to provide against overcrowding of the land, to prevent undue concentration of population, to facilitate adequate provisions of transportation, water, sewage, schools, parks and other public requirements, to promulgate such regulations and reasonable consideration among other things to the character of the City and its suitability for particular purposes and the review concerning the value of buildings, property, development in the City of Red Bank and to encourage the most appropriate uses of land throughout the City and adoption of the comprehensive plan.

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, that this Ordinance shall be known and cited as the “RED BANK ZONING ORDINANCE”.

Section 1. The Red Bank Zoning Ordinance is set forth herein and enumerated at

Section 14-101, et seq., through 14-1101, et seq., inclusive, in the form attached hereto as Exhibit A and incorporated herein by reference be and the same is hereby adopted as the RED BANK ZONING ORDINANCE.

Section 2. All zoning ordinances and amendments, heretofore enacted, are REPEALED and any terms, provisions and conditions thereof, particularly as relates to zoning and/or land usage, are now governed by the RED BANK ZONING ORDINANCE adopted this date.

Section 3. The Red Bank Zoning Map, a copy of which is attached hereto and incorporated herein by reference as Exhibit B, and which is also on display at the Red Bank City Hall contemporaneously herewith, is adopted, approved, accepted and enacted as the "Zoning Map for the City of Red Bank, Tennessee".

Section 4. Nothing contained herein shall be deemed, construed, or interpreted so as to supercede or repeal the Red Bank Subdivision Regulations codified at Title 14, Chapter 1, Section 14-201 of the currently existing Red Bank City Code.

Section 5. 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 6. This RED BANK ZONING ORDINANCE shall take effect fifteen (15) days from the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

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MAYOR

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CITY RECORDER

February 3, 2015

PASSED ON FIRST READING

February 17, 2015

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

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CITY ATTORNEY

Adopted by the City of Red Bank:

1-7-75, Ordinance No. 304

Subsequent amendments added and incorporated herein:

|  |          |
|--|----------|
| Ordinance No. 361 - Deletion of R-1B Residential Zone                          | 9-6-77   |
| Ordinance No. 415 - RZ-1 Zero Lot Line Residential Zone                        | 7-15-80  |
| Ordinance No. 416 - RT-1 Residential Townhouse Zone                            | 8-19-80  |
| Ordinance No. 432 - Construction of Buildings on Easements                     | 8-4-81   |
| Ordinance No. 440 - Residence for a Watchman                                   | 3-2-82   |
| Ordinance No. 473 - Establishing a Fee for Rezoning                            | 4-3-84   |
| Ordinance No. 484 - Home Occupation Regulations<br>Including R-1 and R1A Zones | 9-18-84  |
| Ordinance No. 524 - Flood Ordinance  | 2-1-86   |
| Ordinance No. 530 - Billboard Regulations                                      | 9-16-86  |
| Ordinance No. 531 - Billboard Regulations (# of)                               | 9-16-86  |
| Ordinance No. 532 - Home Occupation Ordinance                                  | 9-16-86  |
| Ordinance No. 534 - Adult Establishments                                       | 10-8-86  |
| Ordinance No. 541 - Halfway House  | 5-6-87   |
| Ordinance No. 542 - Add Permitted Use - Halfway House                          | 5-6-87   |
| Ordinance No. 577 - Add Specialty Converted Vehicles                           | 11-1-88  |
| Ordinance No. 588 - Flag Lots (administrative changes 2-9-04)                  | 5-16-89  |
| Ordinance No. 93-661 – Hazard Waste Regulations                                | 12-21-93 |
| Ordinance No. 99-793 - Delete C-1 & C-2, Added C-1 Commercial Zone             | 8-20-99  |
| Ordinance No. 00-826 - Open Space Subdivision                                  | 10-3-00  |
| Ordinance No. 02-866 - Access Control  | 11-19-02 |
| Ordinance No. 02-867 - Municipal Planning Commission                           | 12-19-02 |
| Ordinance No. 03-884 - Areas of Special Flood Hazard                           | 12-16-03 |
| Ordinance No. 05-900 – Frontage  | 3-15-05  |
| Ordinance No. 15-1028 – PUD Side Yard Setback                                  | 5-18-15  |
| Ordinance No. 15-1029 – Non Banking Financial Institutions                     | 7-7-15   |
| Ordinance No. 15-1044 – Flood Insurance Program                                | 11-17-15 |
| Resolution No. 16-1111 – Unspecified Permitted uses C2                         |          |
| Ordinance No. 16-1062 – Parking Spaces   | 8-2-16   |
| Ordinance No. 16-1065 – Correct Errors   | 9-20-16  |
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| Ordinance No. 17-1082 – Outdoor retail storage                                 | 3-21-17  |
| Ordinance No. 17-1104 – Flag Lots  | 12-05-17 |
| Ordinance No. 18-1107 – Minimum Square Footage Requirements                    | 03-20-18 |
| Ordinance No. 18-1109 – Short Term Rental Units                                | 07-03-18 |
| Ordinance No. 18-1129 – Accessory Use or Building                              | 09-18-18 |
| Ordinance No. 18-1133 – Solar Energy Systems                                   | 11-20-18 |
| Ordinance No. 18-1136 – Commercial Intent Statements                           | 11-20-18 |
| Ordinance No. 18-1137 – Set-Backs in C-3 Commercial                            | 11-20-18 |
| Ordinance Mo. 18-1138 – Display, Storage Outdoor Merchandise                   | 11-20-18 |

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## RED BANK ZONING ORDINANCE

### **Ordinance No. 105 and Amendments**

AN ORDINANCE Regulating and Restricting the Use of Land and the Use and Location of Buildings and Structures; Regulating and Determining the Area of Yards, Courts and Other Places Surrounding Same; Regulating and Restricting the Density of Population; Dividing the City of Red Bank into Districts for Such Purposes; Adopting Maps of Said City Showing Boundaries and Classification of Such Districts; Providing for Correcting Errors and Granting Variances, and Prescribing Penalties for the Violation of its provisions.

WHEREAS, by the provisions of Sections 13-701, et seq., Tennessee Code Annotated, the Board of Commissioners of the City of Red Bank is authorized to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open space surrounding buildings, and the density of population; and

WHEREAS, the Board of Commissioners of the City of Red Bank deems it necessary in order to lessen the congestion in the streets, to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, to make and promulgate such regulations with reasonable consideration among other things, to the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout said City in accordance with a comprehensive plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Red Bank, Tennessee, that this Ordinance shall be known and cited as the "Red Bank Zoning Ordinance".

## **CHAPTER I. MUNICIPAL PLANNING COMMISSION**

### **SECTION 14-101 Designated.**

The Red Bank Municipal Planning Commission is hereby designated as the municipal planning commission for the City of Red Bank.

(Ordinance No. 02-867, November 19, 2002)

## **CHAPTER II. GENERAL REGULATIONS**

For purposes of this Ordinance, the term City Manager shall be taken to mean the City Manager or his/her designee.

### 1. Except as Hereinafter Provided:

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the zone in which it is located. See also Section 14-205.

No building or other structure shall hereafter be erected or altered:

- to have greater height;
- to accommodate or house a greater number of families or lodgers;
- to have narrower or smaller rear yards, front yards, side yards or other open spaces;
- to provide less off-street parking and loading space than herein required or permitted, or in any manner contrary to the provisions of this Ordinance.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Within each zone, the regulations set by this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.

Every building hereafter erected, reconstructed, or structurally altered shall be located on a lot fronting on a street or easement.

### **SECTION 14-201. Title 14 Planning, Zoning and Subdivisions**

This Ordinance shall be hereinafter known and cited as the "Red Bank Zoning Ordinance" (Ordinance No. 105)

## SECTION 14-202. Definitions

For the purposes of this Ordinance, words and terms are defined as follows:  
(Ordinance No. 524, July 1, 1986)

- 202.01 Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not discretionary.
- 202.02 Accessory Use or Building: A use or building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.
- 202.03 Alley: A way that affords only a secondary means of access to abutting property.
- 202.03.1 Alternative Financial Services: Financial services and lending businesses and establishments that are: (Ordinance No. 15-1029)
- (a) not licenses by an appropriate state or federal agency as a bank, savings and loan association, or credit union, industrial loan and thrift offices, insurance premium finance companies, or mortgage companies;
  - (b) regulated by the Tennessee Department of Financial Institutions;  
and
  - (c) categorized for purposes of this Ordinance as:
    - 1) "Pawnbrokers" as defined at T.C.A. Section 45-6-203; or
    - 2) "Title Pledge Lenders" as defined at T.C.A. Section 45-15-103;or
    - 3) "Deferred Presentation Services" as defined at T.C.A. Section 45-17-102; or
    - 4) "Check Cashers" as defined at T.C.A. Section 45-18-102 except that Check Cashers do not include Check Cashers exempt from state regulations pursuant to T.C.A. Section 45-18-103; or
    - 5) Any combination of Alternative Financial Services which include, but are not limited to, "Pawnbrokers", "Title Pledge Lenders", "Deferred Presentation Services" and/or "Check Cashers" as defined herein.
- 202.04 Apartment Houses: See "Dwelling, Multiple".
- 202.05 Appeal: A request for a review by a higher authority of the interpretation of any provision of these regulations or a request for a variance.
- 202.06 Area of Special Flood Hazard: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. (See also, High Water Stage)

- 202.07 Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year--commonly referred to as the "100 Year Flood". (See also, High Water Stage and Area of Special Flood Hazard)
- 202.08 Basement: A story partly underground and having at least one-half (1/2) of its height above grade. A basement shall be counted as a story if the vertical distance from the grade to the ceiling is over five (5) feet or if used for business purposes or for dwelling purposes by other than a janitor or his family.
- 202.09 Boarding House: A building, other than a hotel, where meals are furnished by pre-arrangements for definite periods of compensation to four (4) or more persons who are not related to each other by blood, marriage, or legal adoption.
- 202.10 Building: Any structure used or built for the shelter or enclosure of persons, animals or chattels.
- 202.11 Building, Height of: The vertical distance between the street level and the highest point of the roof surface of a flat roof, the deck line of a mansard roof or to a point two-thirds (2/3) the height of the gable, hip or gambrel roof. If the building is set back from the street line, the height may be measured from the average elevation of the finished grade at the front of the building.
- 202.12 Clinic: Medical services for outpatients only.
- 202.13 Curb Level: The mean level of the established curb in front of the building. Where no such curb has been established, the City Engineer shall establish such curb level.
- 202.14 Day Care Home: A home operated by any person who receives therein for pay not more than seven (7) children under 17 years of age, who are not related to such person and whose parents or guardians are not residents of the same house, for less than 24 hours supervision and care, without transfer of custody.
- 202.15 Day Care Center: A place, except schools graded one (1) through twelve (12), and kindergartens operated by any governmental unit or under the supervision of any religious organization, operated by a person, society, agency, corporation, or institution, or any group wherein are received for pay eight (8) or more children under 17 years of age for group care, without transfer of custody, for less than 24 hours per day. The term "day care center" shall include but not be limited to child development centers, nursery schools, day nurseries, play schools, and kindergartens, as well as agencies providing before and after school care regardless of name, purpose, or auspices.
- 202.16 Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 202.17 Dwelling Unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, cooking, sleeping and eating.

- 202.18 Dwelling: Any building or structure or part thereof used and occupied for human habitation or intended to be so used, including any out houses or appurtenances belonging thereto or usually enjoyed therewith.
- 202.19 Dwelling, Single Family: A building occupied or intended to be occupied as an abode of one family.
- 202.20 Dwelling, Two Family (Duplex): A detached building designed for or occupied exclusively by two families, independently of each other.
- 202.21 Dwelling, Multiple: A building or portion thereof used or designed as a residence for three or more families living independently of each other.
- 202.22 Dwelling, Single-Family Zero Lot Line: A building occupied or intended to be occupied as an abode of one family which is set on one side of the side and/or rear property lines.  
(Ordinance No. 415, July 15, 1980)
- 202.23 Family: A group of one or two persons or parents with their direct descendants and adopted and foster children, together with not more than three persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or less persons living in such housekeeping unit shall be considered a separate family.
- 202.24 Filling Station: See "Service Station".
- 202.25 Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:  
1. the overflow of inland waters;  
2. the unusual and rapid accumulation or runoff of surface waters from any source.
- 202.26 Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazard have been designated as Zone A.
- 202.27 Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- 202.28 Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation.
- 202.29 Frontage: The width of the lot measured (a) along the right-of-way line of a dedicated and publicly accepted street or right-of-way, or (b) in the case of a lot fronting upon a cul-de-sac in an approved, platted and recorded subdivision, along the required front yard building set back line.  
(Ordinance No. 05-900, March 15, 2005)

- 202.30 Garage, Private: A building or space used as an accessory to or a part of a main building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
- 202.31 Garage, Public: Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair or kept for remuneration, hire or sale.
- 202.32 Garage, Storage: Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.
- 202.33 Guest House (Tourist Home): Any dwelling in which rooms are rented for guests and for lodging of transients and travelers for compensation.
- 202.34 High Water Stage (Base Flood): The base flood as determined by the Federal Insurance Administration in its Flood Insurance Study for Red Bank, Tennessee.
- 202.35 Halfway House, Drug and Alcohol: An institutionally supervised boarding house where meals, lodging, supervision and security for the residents thereof, and for the surrounding community, are furnished by pre-arrangement for compensation, for definite periods of time to not less than four (4) but not more than ten (10) unrelated persons of the same sex, with the intended purpose of assisting those using the same to gradually re-enter society subsequent to alcohol or drug related abuse difficulties. This use is only allowed by Special Exceptions Permit.  
(Ordinance No. 541, May 5, 1987)
- 202.36 Halfway House, Penal or Correctional: An institutionally supervised and controlled boarding house where means, lodging, supervision and security for the residents thereof, and security for the surrounding community, are furnished by pre-arrangement to or for persons who are under the authority or custody of any State, Federal, or local sheriff or law enforcement agency, department of corrections, or department of parole.
- 202.37 Home Occupations: An occupation conducted in a dwelling unit, provided that:
- No person other than the members of the family residing on the premises shall be engaged in such occupation;  
(Ordinance No. 484, September 18, 1984)
  - The use of the dwelling unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;  
(Ordinance No. 532, September 16, 1986)
  - There shall be no change in the outside visible appearance of the building or premises, nor any visible, auditory or sensually perceptible evidence of the conduct of the home occupation off the premises;

- 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.
- There shall be no pick-up or products, commodities or services from the premises;
- There shall be no equipment or material storage visible outside of the improvements on the premises;
- There shall be no manufacturing process carried on by the use of mechanical equipment other than that which is normally or customarily used or expected reasonably to be used for domestic or household purposes;
- There shall be no dangerous, noxious, flammable or volatile chemicals stored, used or sold in connection with the home occupation;
- No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and only in the existing driveway on the premises;
- No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, nor shall any equipment be used which creates visual or audible interference in any radio or television receiver off of the premises, or which causes or may cause fluctuations in the line voltage off the premises. In the case of a duplex, or apartment building, no use shall be permitted which affects any other dwelling in the same building in the above mentioned ways;
- There shall be no deliveries to the premises of products, equipment, raw materials or components related to the home occupation by any motor freight services;
- No vehicles with advertising signs for the home occupation shall be parked on the premises at any time unless for overnight parking only with said vehicle or vehicles leaving the premises during the day to conduct business elsewhere. Neither shall there be any overnight equipment or vehicle storage or employee parking visibly indicating of the commercial activity of the home occupation.
- The following uses shall not be considered as home occupations and are intended to be a non-exclusive exemplary list: beauty shops, barber shops, photography studios, vehicle or boat repairs, automobile painting and body shops, TV, radio or other electronic services or sales, appliance repair, shoe repair, physicians' offices, dental offices, veterinary offices, printer or engraving

shops, greenhouses, cabinet making or mill work, welding shops or any other similar uses of any like or different kind of character.

- 202.38 Hotel: A building or other structure, kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten (10) or more rooms are furnished for the accommodation of such guests, and having or not having one or more dining rooms, restaurants or cafes where meals or lunches are served to transient or permanent guests, such sleep accommodations and dining rooms, restaurants, or cafes, if existing, being connected in the same building or buildings in connection therewith.
- 202.39 Junkyard: A junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, partially disassembled motor vehicles, and bottles. A junkyard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.
- 202.40 Loading Space: A space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a minimum vertical clearance of fourteen (14) feet.
- 202.41 Lodger: An occupant of a lodging or rooming house other than the owner or caretaker or his immediate family.
- 202.42 Lodging (Rooming) House: Any house, or other structure, or any place or location kept, used, maintained, advertised, or held out to the public to be a place where living or sleeping accommodations are supplied for pay to transient or permanent guests or tenants, whether in one or adjoining buildings.
- 202.43 Lot: A parcel of land occupied or intended for occupancy by a building together with its accessory buildings; including the open space required under this Ordinance. For the purpose of this Ordinance, the word "lots" shall be taken to mean any number of contiguous lots or portions thereof, not separated by streets, upon which one or more main structures for a single use are erected or are to be erected.
- 202.44 Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.
- 202.45 Lot, Depth: The depth of a lot for the purpose of this Ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.
- 202.46 Lot, Width: The length of the line marking the rear of the required front yard. In zones where no front yard is required, the lot width shall be the same as the lot frontage.
- 202.47 Lot, Interior: A lot other than a corner lot.
- 202.48 Lot Lines: The lines bounding the lot.

- 202.49 Lot, Through: An interior lot having frontage on two streets, other than a corner lot.
- 202.50 Lowest Floor: The bottom of the lowest floor joist if said floor is constructed of wood or the top surface of a concrete slab or other floor material not subject to damage by flood waters. For new dwelling construction the term "Lowest Floor" also includes the lowest surface of fixed dwelling equipment such as furnaces or air conditioners or any combination thereof which are located outside the building but are subject to damage by flood waters.
- 202.51 Mechanical Equipment: any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.
- 202.52 Mean Sea Level: The average height of the sea for all stages of the tide.
- 202.53 Minimum Building Site: The minimum building site is the area bounded by the building footings and/or foundation, plus five (5) feet in all directions.
- 202.54 Mobile Home: A factory-assembled transportable structure, which exceeds eight (8) body feet in width and thirty-two (32) body feet in length, designed for use as living quarters, and built on a chassis. Such a unit may consist of one or more components which can be retracted for towing purposes, and subsequently expanded for additional capacity; and/or consist of two or more units separately towable, but designed to be joined as one integral unit, with or without a permanent foundation.
- 202.55 Mobile Home Park: Any plot of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.
- 202.56 Modular Unit (Sectional or Relocatable Home): A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a single structure without carriage or hitch. The term is intended to apply to major assemblies and may not include prefabricated sub-elements that are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities, and may consist of one or more components. Modular units are considered the same as standard single-family detached dwellings. It does not include double-wide manufactured homes which are not state or H.U.D. certified.
- 202.57 Motel: A building or group of buildings used or intended to be used for overnight occupancy by transient motorists. The primary distinction between a motel and a hotel is that the motel has parking space adjacent or reasonably close to each sleeping unit.
- 202.58 New Construction: Structures for which the "start of construction" commenced on or after the effective date of these regulations.
- 202.59 Non-Conforming Use: A use that does not conform to the regulations of the use zone in which it is situated.

- 202.60 Parking Lot: An area or plot of land used for the storage or parking of vehicles, including all necessary additional space needed for vehicular access or maneuvering thereto and therefrom.
- 202.61 Parking Space: A space not less than eight (8) by twenty (20) feet per vehicle plus all necessary additional space needed for vehicular access thereto.
- 202.62 Planned Unit Development: A Planned Unit Development is a completely planned residential development, professionally designed as a unit, and approved by the Red Bank City Commission, on a site of not less than five (5) acres in areas zoned R-2 Residential and R-3 Residential.
- 202.63 Service Station: A building or lot where gasoline, oil and grease, battery, tire, and other similar services are rendered. Other services include providing liquid propane, compressed gas and electric charging station.
- 202.64 Solar Access: A property owner's right to have sunlight shine on the owner's land. (The enforcement of this right is through the zoning ordinance that establishes height and setback requirements).
- 202.65 Solar Energy System: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user and/or for integration with and/or transmission to the electrical grid. This definition shall include the terms passive solar and active solar systems. A solar energy system shall be considered as an accessory use, as the term is defined in the ordinance, provided further that in Industrial Zone only, nothing contained herein shall be construed to prohibit commercial installation of a solar energy system as the principal and/or primary use for parcels zoned "Industrial".
- 202.66 Solar Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- 202.67 Stable, Private: A stable with capacity of not more than one (1) horse for each thirty-five hundred (3500) square feet of lot area where such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire, or sale.
- 202.68 Stable, Public: A stable other than a private stable.
- 202.69 Start of Construction: The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footing or any work beyond the stage of excavation, including the location of a structure. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a

basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- 202.70 Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of buildings, the height of basement shall not be included if below grade.
- 202.71 Story, Half: A story under a gabled, hipped, or gambrel roof the wall plates of which, on at least two (2) opposite exterior walls, are not more than three (3) feet above the finished floor of such story.
- 202.72 Streets: Those rights-of-way dedicated to the public and accepted by the public authorities, and includes highways and roads, and provides a primary access to the abutting properties.
- 202.73 Street Line: The line between the street and abutting property.
- 202.74 Structure: Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land.
- 202.75 Structural Alterations: Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams, or girders.
- 202.76 Studio: A studio includes, in addition to other usual meanings, the processing, finishing, framing, and incidental handling of portrait, photographic, and other artistic work generated by or from the premises or by persons employed in or reporting to the premises.
- 202.77 Substantial Improvement: For a building built prior to the enactment of these regulations, any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the building, either (1) before the improvement or repair is started, or (2) if the building has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (1) any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

- 202.78 Tourist Home: See "Guest House".
- 202.79 Tower, Communications: Any tower that is designed and constructed primarily for the purpose of supporting any telecommunication antenna, dish or transmitter, including monopole communication towers and lattice communication towers.
- 202.80 Townhouse: A townhouse is a single-family dwelling unit attached by fireproof common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear. There shall be not less than three (3) nor more than twelve (12) such units connected together.
- 202.81 Used Car Lot: Any parcel of land used for the storage, display, and sale of new and used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.
- 202.82 Variance: A grant of relief to a person from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.
- 202.83 Yard: An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except by trees, plants, shrubbery, walls, fences, ornaments, utility poles and wires, dog houses, outdoor furniture, swimming pools, accessory buildings, gas pumps, pump islands, signs (where permitted), tanks, and similar things merely accessory to the main building or the permitted use thereof.
- 202.84 Yard, Front: A yard across the full width of the lot, extending from the front line of the building, including porches, to the front line of the lot.
- 202.85 Yard, Side: An open unoccupied space on the same lot with a building between the building and side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot where no rear yard is required.
- 202.86 Yard, Rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.
- 202.87 Short Term Rental Unit defined: "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. Section 68-15-502.
- 202.87(a) Grandfathered Short Term Rental Unit is defined: A short term rental unit/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 therefor 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. January 17, 2018, such short term residential unit legally pre-

existing (as defined herein) the effect date of this Ordinance shall be hereafter referred to as "Grandfathered short term rental unit(s)."

### SECTION 14-203. Zones and Boundaries

203.01 In order to regulate and limit the height and size of buildings; to regulate and limit intensity of the use of lot areas; to regulate and determine the areas of open spaces within the surrounding buildings; to classify, regulate, and restrict the location of trades and industries; and the location of buildings designed for specified industrial, business, residential, and other uses, the City of Red Bank, Tennessee is hereby divided into the following zones:

- R-1 Residential Zone
- R-1A Residential Zone
- R-1 Open Space Zone
- R-2 Residential Zone
- R-3 Residential Zone
- R-4 Special Zone
- R-5 Residential Zone
- RT-1 Residential Townhouse Zone
- RZ-1 Zero Lot Line Residential Zone
- R-TVZ Residential Townhouse\Zero Lot Line Zone
- O-1 Office Zone
- C-1 Convenience Commercial Zone
- C-2 Central Business District Commercial Zone
- C-3 Neighborhood Commercial Zone
- L-1 Light Manufacturing Zone
- M-1 Manufacturing Zone

203.02 The boundaries of the zones are shown upon the map accompanying this Ordinance and made a part thereof, and entitled "Zoning Map of the City of Red Bank, Tennessee". The Zoning Map and all the notations, references, and other information shown thereon are a part of this Ordinance, and as much a part as if such information set forth on the map were all fully described and set out herein. This Zoning Map, properly attested, is on file in the office of the City Manager or his/her designee.

203.03 In the creation by this Ordinance of the respective zones, the Board has given due and careful consideration to the peculiar suitability of each and every such zone for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the city.

203.04 The boundaries of such zones as are shown upon the map adopted by this Ordinance or amendment thereto, are hereby adopted and approved and the regulations of this Ordinance governing the uses of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown on said map.

203.05 Where uncertainty exists as to boundaries of any zone shown on said map, the following rules shall apply:

- (A) Where such zone boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be such boundaries;
- (B) In unsubdivided property where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;
- (C) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

#### SECTION 14-204. Height and Area Exceptions and Supplements

204.01 The following requirements or regulations qualify or supplement as the case may be, the regulations or requirements appearing elsewhere in this Ordinance.

204.02 Chimneys, water tanks or towers, penthouses, scenery lots, elevator, bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, monuments, cupolas, domes, false mansards, parapet walls similar structures and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted Ordinance to the City of Red Bank, Tennessee.

204.03 Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projections of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than twenty-four (24) inches, except eaves which shall not project more than thirty-six (36) inches.

204.04 Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3 1/2) feet and the ordinary projections chimneys and flues may be permitted by the City where same are so placed as not to obstruct the light and ventilation.

204.05 A single family dwelling may be built on any lot duly recorded at the time of passage of this Ordinance in any zone where dwellings are permitted regardless of lot size, provided the yard requirements for single family dwellings in that zone are met.

204.06 On corner lots in all zones, the side yard requirements on the side street shall be the same as the front yard requirements, except as otherwise stated herein.

204.07 Access Control. In order to expedite the movement of traffic; to promote the safety of the motorist and pedestrian; and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. The location and design of all curb-cuts, points of access to and from all streets and parking and loading areas, parking and loading areas except single and two family residences shall be

submitted to and approved by the City Manager or his/her designee before building permits can be issued. The following regulations shall apply.

- (A) Development Requiring Access Control Plan. All commercial and industrial establishments and apartment complexes of four (4) or more dwelling units must file an access control plan meeting all requirements of this section and must have such plan approved by the City Manager or his/her designee prior to obtaining a building permit.
  - 1) This access control plan is often a part of a "Site Plan". However, in the event that such a site plan is not required, an access control plan must still be submitted and approved.
  
- (B) General Access Regulations Applying to All Residential and Non-Residential Uses.
  - 1) Maximum Width of All Access Points: The maximum width of all access points shall be thirty (30) feet measured at the property line. Commercial and industrial uses customarily having large volumes of tractor-trailer vehicle traffic may be permitted points of access exceeding thirty (30) feet but not exceeding forty (40) feet in width
  - 2) Temporary Access Ways: Temporary access ways may be generated by the planning commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access of the property is completed.
  - 3) Off-Street Parking Lanes Entirely Independent of Public Streets: No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.
  - 4) Access for Lots fronting on More than One Street: In all commercial developments where a lot abuts more than one street, the planning commission may require that the access be provided from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed onto two or more streets the number of access points shall conform to those allowed for non-residential uses (See Subsection D).
  - 5) Driveway Construction Abutting side Lot Lines: Where driveways abut interior lot lines and a driveway opening there shall be a minimum driveway setback of:
    - a) Residential Uses: Five (5) feet

- b) Non-residential uses and residential complexes with more than 12 units: Fifteen (15) feet
  - 6) Minimum Driveway Separations From Street Intersections: Where driveways openings are adjacent to the intersection of a street right-of-way line the minimum separations shall apply:
    - a) Residential Uses: Five (5) feet
    - b) Non-residential uses and residential complexes with more than 12 units: Fifteen (15) feet
  - 7) Service Station: Service stations shall be allowed two (2) access points onto the same street to allow proper circulation past the dispensers. This is regardless of lot width or street classification provided the required site plan is approved by the City Manager or his/her designee.
- (C) Construction of Frontage Roads and Interior Circulation Drives. In order to limit the number of individual access points to an arterial or collector street, the Red Bank Municipal Planning Commission shall encourage and may require the development of frontage roads and interconnecting interior circulation drives.
  - 1) Frontage Roads: Frontage roads are those that parallel the existing street and extend across the entire frontage of a particular large property or group of properties. Frontage roads may be required to provide safe and efficient public access to individual properties eliminating traffic congestion, which would be caused if each parcel had its own access on to the arterial or collector street.
  - 2) Access points between the frontage road and the major thoroughfare shall be no closer together than 500 feet. Access points between the frontage road and Collector Street shall be no closer than 300 feet (measured along the street right-of-way). All frontage roads shall be built to the standards specified in the Red Bank Subdivision Regulations and shall be dedicated as public streets subject to the city's street adoption policy and then maintained by the City of Red Bank.
  - 3) Access requirements for property served by a frontage road shall be the same as for residential and non-residential uses (See Subsection D) except that the planning commission may also allow a regrouping of access points on to the frontage road in accordance with an approved site plan which does not destroy the intent of these access control provisions.
  - 4) Interior Circulation Drives: Interior circulation drives are needed in large developments, which require large parking areas. These drives interconnect all parking lot access points with all buildings

and areas of vehicular traffic, parking, loading and servicing. They are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. The planning commission shall encourage and may require that the interior circulation drives shall be clearly defined and marked appropriately with arrows, etc. to assist public circulation into and out of the property and its parking areas.

- 5) An area of land not less than 20 feet deep shall be provided between the public street right-of-way line and the edge of all proposed frontage roads or interior circulation drives. This area will separate the roadways with a minimum turning radius. Such area shall be landscaped and grassed.
- 6) The width, placement and design of frontage roads and interior circulation drives shall be reviewed by the City Manager or his/her designee, planning staff and shall be approved by the Red Bank Municipal Planning Commission.

(D) Specific Number of Access Points Allowed. Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads unfeasible, direct access to the existing streets shall be permitted according to the following minimum requirements based on the type of development on the property served and the amount of frontage which that property has on a given street.

- 1) Access Points for Residential Uses: In the absence of a frontage road, the number of access points permitted shall comply with the following provisions:
  - a) The minimum distance between two (2) driveways serving the same property and which provide access to the same street, at the right of way line shall be twenty-five (25) feet.
  - b) Lots with less than 149 feet of frontage shall be permitted one (1) driveway.
  - c) Lots with 150 feet to 399 feet of frontage shall be permitted (2) two driveways.
  - d) Lots with over 400 feet of frontage shall be permitted (1) additional driveway for each additional 300 feet of frontage of fraction thereof.

(Ordinance No. 02-866, November 19, 2002)

(E) Access to commercial, industrial or other non-residentially zoned property:

- 1) Access to a commercial, industrial, or other non-residentially zoned property shall be permitted only through a non-residential zone.

- 2) Access to residentially zoned or developed property may be through any other zone.
- 3) The R-3 Zone, for purposes of access, shall be considered a non-residential zone if developed with multi-family residences.
- 4) The R-4 Special Zone, for purposes of access, shall be considered a residential zone if undeveloped or developed residentially; It shall be considered a non-residential zone if developed with non-residential uses or multi-family residential uses.

204.08 Flag Lots may be used for access to property that would otherwise prove infeasible or impractical to access with a public street. The intended use for flag lots is to preserve the natural features or to create more environmentally sensitive building sites. Flag lots are not intended to abrogate standard subdivision development when it is feasible to construct public roads.

Flag lots may be used provided the following conditions are met:

- A) A "Flag Lot" is a lot which is accessed by a strip of land of a width less than the required street frontage and which is located behind another lot which meets the required street frontage and the other provisions and standards set out herein and in the City's Subdivision Regulations.
- B) Flag lots may be approved by the Planning Commission subject to the following conditions:
  - 1) No access strip shall be less than twenty-five (25) feet in width for its entire length nor shall the actual frontage on the public street be less than twenty-five (25) feet.
  - 2) The access strip shall provide access for only one lot and shall be deeded and platted as a part of the building site. No building or structure shall be permitted or located in the access strip.
  - 3) The access strip shall not exceed two hundred fifty (250) feet in length measured from the closet adjacent right-of-way line of the public road or street.
  - 4) Access strips shall be located no closer than one hundred twenty (120) feet from another access strip, measured along the right-of-way between the nearest corner of each access strip.
  - 5) The point where the access strip abuts the public street shall be reasonably safe, as determined by the Planning Commission with input from the City Manager or his/her designee, for vehicular ingress and egress as far as visibility and grade or other relevant

factors bearing on safety of pedestrians and of traffic are concerned since, unlike conventional lots, flag lots have no other alternatives for driveway locations.

- 6) Said access strip shall be the primary and actually utilized means of ingress and egress to the actual flag lot intended to be developed.
  - 7) All required building setbacks shall apply and be measured from the boundaries of the portion of the lot excluding the access strip.
  - 8) All lot area, width and depth requirements of the Zoning Ordinance and Subdivision Regulations shall apply and be measured from the boundaries of the portion of the lot excluding the access strip.
  - 9) No flag lot shall after approval be subject to further subdivision of any such subsequently subdivided lot if such subsequently subdivided lot shall intend to rely on or actually utilize the same access strip as the originally permitted or allowed flag lot for ingress and/or egress unless a street meeting all requirements. Including right-of-way, is constructed. Said restriction shall be placed on the Final Plat.
- C) In no case shall a flag lot be used to avoid constructing a street to the required standards.
- D) All lot width, lot depth and lot area requirements in the Red Bank Zoning Ordinance shall apply to the portion of a flag lot that does not include the access strip.

204.9 Urban Residential Infill Option and Exceptions: Notwithstanding any other provisions in the Zoning Ordinance related to the required minimum frontage of 60 feet and a required minimum front yard set back of 25 feet and a required 25 foot side yard set back in Zone R-1 and R-1A, that detached single family houses and accessory uses located on interior lots of record established or existing on or prior to July 1, 1965, and shall have a minimum front yard of fifteen feet (15 ft.), and a minimum side yard of five feet (5 ft.). Other than allowable eave overhang, no other permitted element of the building structure is allowed in the five feet side yard set back, including but not limited to heating, ventilation and air conditions systems (HVAC), porches, decks, porticos, entry landings, carports, or other similar or dissimilar structures. All other standards related to permitted uses, height and area related regulations, off-street parking in Zones R-1 and R-1A shall continue to be applicable. Dwellings constructed on such lots shall meet all residence square footage requirements of the zone they are in. No building may front an alley or unapproved street. The rear set back shall be twenty-five feet (25 ft.).

(Added December 19, 2000)

204.10 Notwithstanding any other provisions in this Zoning Ordinance related required side yard setbacks, a non-combustible (as defined in the applicable building codes)

attached carport no nearer than three (3) feet to an interior side lot line on residential zoned property shall be allowable.

204.11 Notwithstanding any other provisions in this Zoning Ordinance related to the front and/or rear yard setbacks, in addition to not more than one (1) single story detached garage as defined in 14-202.02, Accessory Use of Building, a single story detached accessory building no closer than five (5) feet from the interior side lot line and no closer than five (5) feet from the rear lot line shall be allowable in residential zoned property provided that in addition, any such accessory building is to be separated by not less than three (3) feet from the principal structure and the garage (in any) located on the premises on residentially zoned property, provided further;

(a) Properties with less than one-half (1/2) acre of land area will be permitted no more than one (1) single storied detached wood frame / metal accessory building, which may be no larger than one hundred forty-four (144) square feet in floor space.

(b) Properties with more than one-half (1/2) acre of land area shall be permitted no more than two (2) single storied detached wood frame / metal accessory building which may be no larger than one hundred forty-four (144) square feet in floor space.

(c) No such buildings or structures shall be larger than one hundred forty four (144) square feet in floor space. Such storage buildings and/or structures shall be no closer than five (5) feet, including overhangs or eaves, from the rear or side lot line on any residentially zoned property. In addition, any such accessory buildings shall be separated by not less than three (3) feet, including overhangs or eaves, from the main or principle structure, and/or any other accessory building and each other.

(d) To assure compliance with this ordinance, the property owner(s)/tenant(s) and/or occupant(s) must first file with the Building Inspector's office, a site plan detailing the size and location(s) of any such structure intended to be placed or erected on the premises and its location and spacing from the applicable property lines and other permitted structures on the property before installation or construction. Failure to comply with this subsection shall result in a civil penalty may also be ordered to be removed.

(e) Provided further that no portion of any such accessory building, of any kind, be utilized for human habitation, lodging or occupancy, of any kind long term, short term or under any circumstance.

204.12 Visibility at access points

No structure, landscaping, fence, terrace or other natural or artificial feature adjacent to any street shall obscure or impair visibility from or of any approaching vehicular traffic.

## SECTION 14-205. Non-conforming Uses

- 205.01 The lawful use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, although such use does not conform to the provisions of this Ordinance; and such use may be extended throughout the buildings, provided no structural alterations except those required by law or Ordinance, or ordered by an authorized officer to secure the safety of the building, are made therein; but no such use shall be extended to occupy any land outside such buildings. If such non-conforming building is removed or the non-conforming use of such building is discontinued for one hundred (100) consecutive days, every future use of such premises shall be in conformity with the provisions of this Ordinance.
- 205.02 The lawful use of land existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance; provided, however, that such non-conforming use not be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If such non-conforming use is discontinued for a period of not less than one hundred (100) consecutive days, any future use of land shall be in conformity with the provisions of this Ordinance.
- 205.03 If no structural alterations are made, a non-conforming use may be changed to a use of the same classification according to the provisions of this Ordinance. When a zone shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar classification; provided all other regulations governing the new use are complied with.
- 205.04 Nothing in this Ordinance shall be taken to prevent the restoration within one year of a building destroyed to the extent of not more than sixty (60) percent of its value by fire, explosions or other casualty, or act of God, or the public enemy, nor the continued occupancy of such building.
- 205.05 Whenever there is a change of non-conforming use to a use of similar classification in a commercial or industrial zone, said use shall comply with all landscaping and screening requirements of said zone.
- 205.06 Any non-conforming industrial, commercial, or other business establishment in operation shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.
- 205.07 No building permit or like permission for construction or landscaping shall be denied to an industry or business seeking to expand or continue activities conducted by that industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

- 205.08 Industrial, commercial, or other business establishments in operation and permitted to operate as non-conforming uses shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect.
- 205.09 No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

SECTION 14-206. Board of Appeals for Variances or Special Exceptions/Plats

206.01 Membership Terms and Compensation

The Board of Appeals consists of five (5) members (electors of the City of Red Bank), and shall be appointed by the Board of Commissioners for three (3) year terms. The initial Board of Appeals shall be comprised of two members serving for one year, two members serving for two years, and one member serving for three years. Thereafter, members shall serve for three-year terms. In the case of a vacancy, a member shall be appointed within thirty (30) calendar days to serve the unexpired term of the former member creating the vacancy. A member who has served for three years shall continue to serve as an official member of the Board of Appeals until s/he has been reappointed or a new member has been appointed to take her/his place. Members of the Board shall serve without compensation.

206.02 Meetings and Rules of Order

The Chairman of the Board of Appeals shall be elected from its own membership. The Board shall fix its place of meeting and shall conduct at least one regular meeting a month, provided there are applications to be reviewed by the Board. Other meetings of the Board shall be held on the call of the Chairman and at such times as the Board may determine. The presence of three members shall constitute a quorum. The business such rules being of public record, it is advisable that the City Attorney or his/her designated representative be present at each Board meeting.

206.03 Jurisdiction of the Board

The Board shall have the following powers:

- (A) To make variances to the terms of the zoning regulations in harmony with their general purpose and intent and under the conditions set forth in the following paragraphs, upon the request of the owner of the property in question. the

- (B) To interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.
- (C) To hear and decide appeals from property owners on actions or decisions by an administrative official in the administration or enforcement of the zoning ordinance.

#### 206.04 Applications to the Board

Persons desiring consideration by the Board shall apply to the City Manager or his/her designee and shall supply such information as the Board may require to identify the land and determine the reason for the appeal or review. Each application by a property owner shall be accompanied by a receipt for a fee as set by the Board of Commissioners, paid to the City of Red Bank to cover the City's cost of handling the application, no part of which fee is returnable. Persons objecting to the relief sought by the applicant, or interested in the review or determination made by the Board may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objection shall be submitted to the Board within the time provided in its rules of procedure.

#### 206.05 Notices

A notice of the public hearings held by the Board shall be sent by regular mail to each of the property owners within a minimum of 200 feet of each property in question before the Board. Said notice will be mailed at least fifteen (15) days prior to the public hearing by the Board. The most recently updated tax rolls for the City of Red Bank will be the source of ownership information for Board purposes. A notice shall be published in a newspaper of general circulation at least fifteen (15) days before the hearing.

#### 206.06 Hearings

All official actions of the Board shall be subject to due notices and public hearings, as established by its rules. Any interested person may appear and be heard subject to procedures adopted by Board. A review by the Planning Commission staff may be required for purposes of obtaining information available as to the effect of a proposed variance, conditional permit, or administrative ruling upon the use, enjoyment, safety, and value of the land and buildings nearby. Such report may contain other information on existing and pre-existing conditions relating to topography, geology, utilities existing, and proposed land use and factors pertaining to the comprehensive plan of the City. A review by the City Manager or his/her designee shall be required for the purpose of obtaining information as to the effect of a proposed variance, conditional permit, or administrative ruling upon the flow of traffic, congestion, parking, service for utilities and similar matters usually pertaining to the functions of their office. The Board shall make and record findings of facts relevant to their decisions and shall accept letters and petitions for the record and shall particularly examine the facts relating to the conditions set forth in SECTION 14-206.07.

The Board shall make a determination that it has been delegated authority to render a decision in each case and that it is not performing a legislative function not delegated by the legislative body of the City.

206.07 Condition for Board Decisions

- (A) Before a variance or special exception may be granted, the Board must find that the following conditions exist:
  - (1) That by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of the Zoning Ordinance would result in peculiar and practical difficulties or undue hardships upon the owner to develop his property in accordance with the use provisions of the zoning regulations.
  - (2) That the relief of the undue hardships granted by the Board would not establish substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and Zoning Ordinance.
  - (3) That the peculiar hardship, practical difficulties, or undue hardships would apply to the particular land or building regardless of the owner.
  - (4) That the peculiar hardship, practical difficulties, or undue hardship is not created as the result of an act upon the part of the applicant.
  - (5) That the peculiar hardship, practical difficulties, or undue hardships asserted by the applicant relates only to the premises for the benefit of which the variance or special exception is sought and would not be generally applicable to other premises in the City of the personal conditions of the applicant.
  - (6) Provided, however, that where the application for a variance or special exception involves only the addition to or extension of an existing building or structure, the Board may allow such addition or extension when said addition or extension would be no less conforming as to set back distances than the existing structure or structures on the same or adjacent property, provided further, that such addition or extension is not in conflict with the character of the area in which the property is located or the comprehensive zoning plan.

206.08 Board's Findings

- (A) The Board shall make its findings in writing on each of the conditions stipulated in Section 14-206.07, and on such additional item presented as evidence which have influenced its decision. The decision of the Board shall become effective immediately. Such decision, affirming, revising, or modifying the order, requirement, decision, or determination of the administrator of the Zoning Ordinance and such conditional permits and other special permits or special exceptions or variances to the provisions of the Zoning Ordinance shall be effective for a period of one (1) year from the date of the Board's decision, unless another time is given in the Board's decision.
- (B) If the decision of the Board has not been fully utilized and confirmed by the construction of the improvements contemplated by the applicant within the period of one year or other time certain stipulated by the Board, the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application.
- (C) The Board shall not rehear any case upon the same grounds within a minimum period of one year of its previous hearing date.
- (D) The Board shall adopt for its record, such policies as can be reasonably developed for its own guidance in dealing with the more common types of request for adjustment

#### 206.09 Records

The Board shall keep a duplicate record of its proceedings, findings, and action in each case, giving specific reasons for its action, and for any deviation from policy it might have established in past cases. The vote of each member on each question shall appear in the record. All records of the Board shall be open to the public.

#### 206.10 Stay

Upon applying for special exception, variance, interpretation, or review by the Board, the applicant shall stay any cut or fill of property, construction, or alteration on the building or property for which action by the Board is sought.

#### 206.11 Appeal from the Board's Decision

The action of the Board of Appeals for variances or Special Exceptions shall be final, provided an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved, affected party.

#### 206.12 Administration

The City Manager or his/her designee shall be the Secretary of the Board. He shall conduct all official correspondence subject to the rules and direction of the Board, and send out all notices and attend all meetings or cause the same to be done. The Secretary shall attend all meetings, keep the minutes, compile the records, and maintain the official files of the Board or cause the same to be done.

#### SECTION 14-207. Plats

207.01 Each application for a building permit for a new building or to enlarge an existing building shall be accompanied by a plat drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected or enlarged and such other information as may be necessary to provide for the enforcement of this Ordinance.

A record of such application and plat shall be kept in the office of the City Manager or his/her designee. Where application is made to enlarge an existing non-conforming use, application shall be accompanied by an affidavit giving the description of the premises as they existed at the date of the passage of this Ordinance.

#### SECTION 14-208. Interpretation, Purpose and Conflict

208.01 In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, agreement, the provisions of this Ordinance shall control.

#### SECTION 14-209. Changes and Amendments

209.01 The Board of Commissioners of the City of Red Bank, Tennessee, may, from time to time, amend, supplement or change the regulations and zones herein or subsequently established; but no amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Board of Commissioners.

209.02 Method of Procedure. A proposed change or amendment may originate with the Board of City Commissioners, with the Planning Commission, or on filing a request by a landowner or by a group of landowners filing a petition. The proposed change or amendment must first be referred to the Planning Commission for a recommendation. The City of Red Bank shall give at least fifteen (15) days' notice of the time and place for a public hearing, which shall be held by the Commission in regard to the proposed changes or amendments. This notice shall be published in a newspaper of general circulation in the City.

209.03 That a Request to Rezone referred to the Board of Commissioners by the Planning Commission, shall not be heard unless said Request is set for public hearing before

the Board of Commissioners within three (3) months of the date when the Planning Commission referred said Request to the Board of Commissioners, and such Request shall not be advertised for a public hearing unless the Petitioner pays to the City Recorder a filing fee, together with the costs of the advertisement.  
(Ordinance No. 473, April 3, 1984)

SECTION 14-210 Enforcement, Violations, and Penalties

210.01 The City Manager or his/her designee is hereby designated and authorized to enforce this Ordinance. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not less than two dollars (\$2) nor more than fifty dollars (\$50) for each offense. Each day a violation exists shall constitute a separate offense.

SECTION 14-211. Validity

211.01 Should any section, sub-section, phrase, clause, or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 14-212. Effective Date

212.01 This Ordinance shall take effect two weeks from and after its passage, the public welfare requiring it.  
PASSED on second and final reading (February 17, 2015).

**CHAPTER III. RESIDENTIAL ZONES**

SECTION 14-301. R-1 Residential Zone

301.01(A) Permitted Uses

- (A) Single-Family Dwellings, except factory manufactured homes constructed as a self-contained unit and mounted on single chassis.
- (B) Schools
- (C) Parks, playgrounds and community buildings
- (D) Golf Courses, except driving ranges, miniature courses, and Par 3 golf courses and other similar commercial operations.

- (E) Fire Halls and other public buildings
- (F) Churches
- (G) Accessory uses and buildings customarily incident and subordinate to the above.
- (H) Kindergartens operated by governmental units or religious organizations
- (I) Home Occupations  
(Ordinance No. 484, September 18, 1984)  
(Ordinance No. 532, September 16, 1986)
- (J) Day care homes
- (K) Group homes operated on a non-commercial basis for persons with intellectual and developmental disabilities or persons who are mentally or physically handicapped. Such uses are exempt from local zoning and permitting requirements by Tennessee Code Annotated 13-24-101 and should be allowed in any zone where single-family dwellings are permitted subject to the following:
  - 1) Home is operated on a non-commercial basis.
  - 2) Residents must meet the diagnosis requirements as required and defined by State Law.
  - 3) The home may house up to eight (8) persons so diagnosed plus up to three (3) persons to act as house parents or guardians.

#### 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 legally existing "Grandfathered short

Term rental units” as defined herein and as required by T.C.A.  
Section 13-7-601, et seq.

### 301.02 Height and Area Regulations

- (A) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height regulations provided that for every one foot of additional height over thirty-five (35) feet, the building shall be set back one additional foot from all property lines.
- (B) The minimum lot size shall be 7,500 square feet, and a minimum frontage of sixty (60) feet on central sewer. If lot is on septic, minimum lot size shall be determined by the Chattanooga-Hamilton County Health Department.
- (C) There shall be a front yard of not less than twenty-five (25) feet.
- (D) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet if at an intersection.
- (E) There shall be a rear yard of not less than twenty-five (25) feet.
- (F) The minimum amount of heated living space/square footage for any newly constructed house shall be one thousand four hundred (1,400) square feet.
- (G) Reserved.

### 301.03 Off-Street Parking Regulations

Off-street parking shall be provided on the same lot as or on a lot adjacent to the building in accordance with the following requirements:

- (A) There shall be two spaces for every dwelling unit.
- (B) There shall be one space for every four seats in the main auditorium of churches and other public buildings.
- (C) Parking space for all other uses shall be in an amount satisfactory to the City Manager or his/her designee

### 301.04 Access Control

As regulated in Section 14-204.07 of this ordinance.

### 301.05 Uses permitted as Special Exceptions (through permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission).

- (A) Day care centers

- (B) Kindergartens not operated by governmental units or religious organizations
- (C) Assisted living facility for no more than eight (8) residents including two (2) additional persons (plus their dependents) acting as house parents or guardians
- (D) Communication towers (See Chapter XI for requirements)
- (E) Horses for personal use
- (F) Cemeteries
- (G) Residential homes for handicapped and/or aged persons operated on a commercial basis for no more than eight (8) persons.
- (H) Group homes for intellectually and developmentally disabled persons or persons who are mentally or physically handicapped operated on a commercial basis subject to the same requirements for exempt group homes defined in T.C.A. 13-24-101. See Section 14-301.01 (K).

301.06 Additional use permitted as Special Exceptions (through permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission)

Special Exceptions Permit for a two-family or multi-family dwelling in the R-1 Residential Zone:

- (A) Intent: The City of Red Bank has rezoned property in several neighborhoods from the R-2 and R-3 Residential Zones to the R-1 and R-1A Residential Zones. This Special Exceptions Permit would allow structures that were constructed as two-family or multi-family dwellings to be able to continue such use after the loss of legal non-conforming status. The purpose of this Permit is to provide relief, if deemed appropriate, to property owners of certain two-family and multi-family dwellings, which under R-1 zoning could only be used as single-family residences. It is not the intent of this Permit to encourage multiple requests in any area, but to consider each individual request on It's own merit.
- (B) Applies to:
  - 1) One structure for each Special Exceptions Permit, not multiple structures.
  - 2) Structures constructed with a building permit and/or constructed on a Lot of Record.
  - 3) Dwellings that lost non-conforming status due to a re-zoning to R-1 or R-1A through a rezoning study process by the City of Red Bank.
- (C) Does NOT apply to:
  - 1) New construction

- 2) Multiple structures on one lot
- (D) A Special Exceptions Permit may be granted by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission if it is determined that:
  - 1) The request is consistent with the adopted plans for the area.
  - 2) The request is consistent with the zoning study that rezoned the subject property from R-2 or R-3 to R-1 or R-1A.
  - 3) Issuance of the permit will not be detrimental to surrounding properties and could benefit the neighborhood by encouraging an increase in investment in the property.
- (E) Special conditions: The Red Bank City Commission upon recommendation by the Red Bank Planning Commission may issue A Special Exceptions Permit with special conditions to be met by the applicant if deemed necessary and appropriate by the Board. The Board may also allow exceptions in minimum lot area requirements and off-street parking requirements if appropriate.

301.07 Communications Towers

See Chapter XI, Communications Towers

SECTION 14-302. R-1A Residential Zone

302.01 Permitted Uses

- (A) Single-Family Dwellings, excluding factory manufactured homes constructed as a self-contained unit and mounted on a single chassis.
- (B) Schools
- (C) Parks, playgrounds, and community buildings
- (D) Golf courses, except driving ranges, miniature courses, and golf courses and other similar commercial operations. Par 3
- (E) Fire halls and other public buildings
- (F) Churches
- (G) Accessory uses and buildings customarily incident and subordinate to the above
- (H) Kindergartens operated by governmental units or religious organizations
- (I) Home Occupations

- (J) Day care home
- (K) Group homes for intellectually and developmentally disabled persons and persons who are mentally or physically handicapped operated on a non-commercial basis. See Section 14-301.01 (K).  
(Ordinance No. 484, September 18, 1984)  
(Ordinance No. 532, September 16, 1986)

#### 302.02 Height and Area Regulations

- (A) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height regulations provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one additional foot from all property lines.
- (B) The minimum lot size shall be 7,500 square feet square feet on central sewer system, and a minimum frontage of 60 feet. If lot is on septic tank, the minimum lot size shall be determined by the Health Department.
- (C) There shall be a front yard of not less than twenty-five (25) feet.
- (D) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet at the side street if at an intersection.
- (E) There shall be a rear yard of not less than twenty-five (25) feet.

#### 302.03 Floor Area Regulations

- (A) The minimum amount of heated living space/square footage for any newly constructed house shall be two thousand (2,000) square feet.
- (B) Reserved.

#### 302.04 Off-Street Parking Regulations

Off-street parking shall be provided on the same lot as the building or on a lot adjacent to the building in accordance with the following requirements:

- (A) There shall be two spaces for every dwelling unit.
- (B) There shall be one space for every four seats in the main auditorium of churches and other public buildings.
- (C) Parking space for all other uses shall be in an amount satisfactory to the City Manager or his/her designee.

#### 302.05 Access Control

As regulated in Section 14-204.07 of this ordinance

302.06 Uses permitted as Special Exceptions (through permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission)

Same as in Section 14-301.06 and 14-301.07

302.07 Communications Towers

See Chapter XI, Communications Towers

### SECTION 14-303 R-1 Open Space Residential Zone

(Ordinance No. 00-826, October 3, 2000)

303.01 Intent

It is the intent of this section to provide an alternative standard for development of single-family residential neighborhoods in the R-1 Residential Zone. This development standard is designed to encourage open space design combined with a traditional or connected street network. In addition to a subdivision plat, all developments proposed under these standards require site plan review in order to determine their appropriateness in each instance. These standards are considered minimum standards and do not prevent the development from exceeding these requirements in terms of open space, landscaping, and lot and frontage standards.

303.02 Site Design Principles

- (A) Development should be encouraged where adequate services are available.
- (B) Site design and intensity should be sensitive to environmental constraints resulting from the existing land features and strive to preserve and maintain deciduous woodlands, floodplains, wetlands and steep slopes from clearing, grading, filling or unwarranted construction.
- (C) The development should provide open space that is reasonably contiguous, and whose configuration does not fragment the open space into remnant parcels which are not usable for social activity and recreation. Where applicable, the open space should be connected to similar facilities off site.
- (D) The development should provide quality public spaces such as streets, sidewalks, parks and squares where citizens come to know each other and promote collective security.
- (E) House lots should be grouped closely together in order to reduce road lengths and to preserve open space.
- (F) Roads should be designed as networks, with interconnecting links and with minimal use of cul-de-sacs or dead ends. Road systems should be designed to connect with adjacent development or provide for the possible

connection to abutting property if development occurs. In a like manner, trails and sidewalks should interconnect with existing or proposed facilities.

- (G) Access should be provided from individual house lots to open space areas to the maximum extent possible.

### 303.03 Site Design Process

The site designer should design the open space subdivision utilizing the following suggested process:

- (A) The site should be examined for special features and natural characteristics or resources. This entails mapping environmental elements of the site including the slopes, floodplains, sinkholes, utility recharge areas, historic features, streams, watercourses, and deciduous woodlands.
- (B) The designer should locate open spaces, meadows, shoreline borders and special scenic vistas and add these features to the site elements previously mapped.
- (C) Third, select house sites that in large measure avoid the identified limitations and take advantage of the site's special characteristics. Fourth, based on these house site locations, configure the road alignments and pedestrian connections. Finally, add lot lines based on the required road frontage and lot square footage standards.

### 303.04(A) Permitted Uses

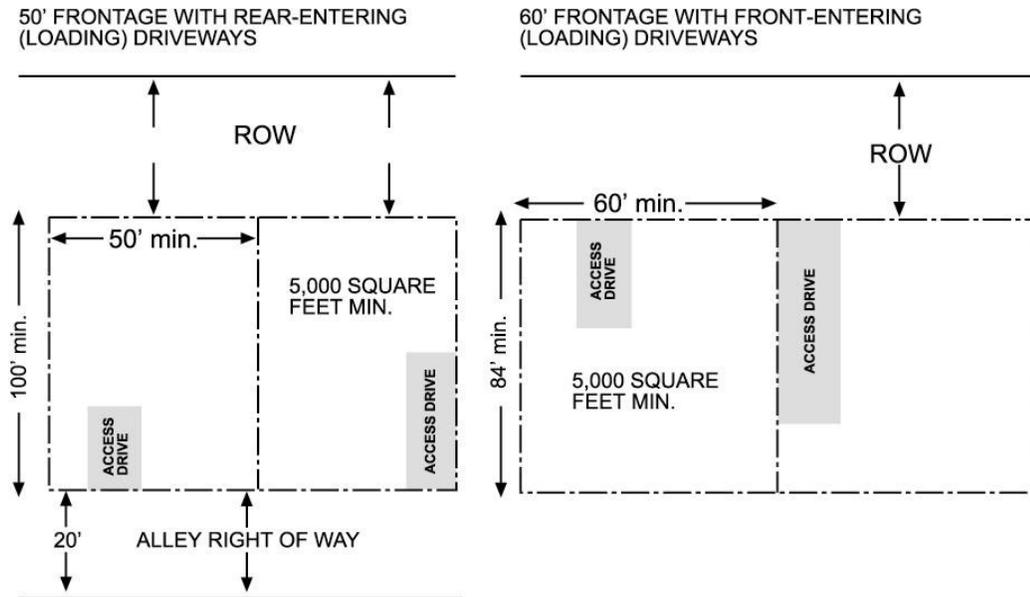
All uses permitted in the R-1 Residential Zone as specified by Section 14-301.01 and all uses permitted in the R-1A Residential Zone as specified by Section 14-302.01.

### 303.04 Height and Area Regulations, Open Space

- (A) The minimum development site area for a project developed under these standards is ten (10) acres.
- (B) All property developed under these standards must be served by public sanitary sewers.
- (C) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.
- (D) The minimum lot size shall be five thousand (5,000) square feet.

- (E) The minimum lot frontage with front-entering (loading) driveways and garages is sixty (60) feet. For rear loading driveways and garages, the minimum lot frontage is fifty (50) feet.

**TYPICAL LOT CONFIGURATION**



- (F) There shall be a front yard of not less than fifteen (15) feet except that a permanently unenclosed porch, portico, entry landing or similar structure may extend into the required front yard setback area no more than five (5) feet.

- (G) There shall be a side yard on each side of the building of not less than ten (10) feet except that a bay window, entry landing, portico or chimney may extend into the required side yard no more than five (5) feet.

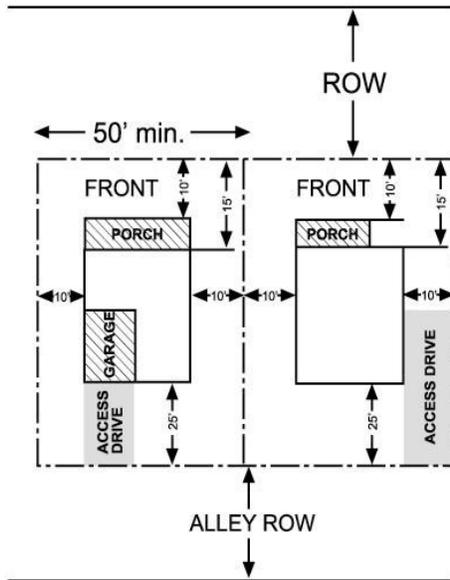
As an alternative to the ten (10) foot side yard requirement, a five (5) foot side yard may be utilized under the condition that no permitted element of the building structure other than the allowable eaves overhang is permitted in the five (5) foot yard setback, including but not limited to heating, ventilation and air conditioning systems (HVAC), porches, decks, porticoes, entry landings or similar structures. For corner lot side yard requirements, see Section 14-301.02(D).

- (H) There shall be a rear yard of not less than twenty-five (25) feet for lots with front-entering driveways, except that permanently unenclosed porch, portico, entry landing or similar structure five (5) feet in width may extend into the required rear yard no more than five (5) feet. For lots with rear entering driveways and using alleys for access, there shall be a rear yard of not less than eighteen (18) feet except that a permanently unenclosed porch, portico, entry landing or similar structure five (5) feet in width may extend into the required rear yard no more than five (5) feet.

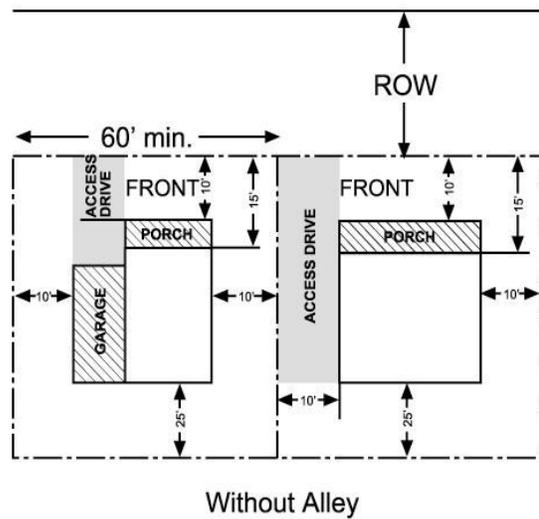
- (I) For residential structures with front-entering (loading) driveways and garages, the garage door must be set back from the front face of the structure eight (8) feet or more.

**TYPICAL LOT CONFIGURATION**

TYPICAL HOUSE FOOTPRINT 50' LOT



TYPICAL HOUSE FOOTPRINT 60' LOT



- (J) Sidewalks are to be constructed on both sides of any new rights-of-way which are shown on the required subdivision plat/site development plan or along any existing streets which provide direct access to houses built under the terms and standards of these regulations. These sidewalks are to be built to standards as specified in the Subdivision Regulations.
- (K) Street trees are to be incorporated along all public streets on lots developed under these provisions at a maximum planting interval of twenty-five (25) feet. These trees should have an expected mature height of at least thirty-five (35) feet and are to be installed at a minimum height of twelve (12) feet. All plantings must be trees. Plants that are commonly identified as a shrub are not acceptable. In planting the street trees, it is preferable to plant any required tree behind the outside edge of the sidewalk if the planting strip between the sidewalk and the curb is less than six (6) feet wide.
- (L) Detached accessory buildings are permitted subject to site plan review for type and location.
- (M) A minimum of thirty percent (30%) of the gross site area must be set aside as open space (as shown on the site plan). This open space set aside is in addition to areas that are in a designated Floodway zone. Fragmentation of open space should be minimized and therefore no

parcel of open space should be less than one (1) acre in size, except for areas specifically designed as village greens, ball fields, buffers, and trail links. The open space should be immediately accessible to the maximum number of house lots on adjacent parcels or through pedestrian linkages to these open areas. The open space shall remain undivided and may be owned and managed by a homeowners' association, the City of Red Bank, or a recognized land trust or conservancy. The ownership will be specified on the Subdivision Plat. Any ownership by the City of Red Bank must be approved by the City of Red Bank through resolution or ordinance of its Board of Commissioners.

- (N) Where required, public or private alley rights-of-way or easements shall be a minimum of twenty (20) feet in width. These alleys are to be built according to specifications of the City Manager or his/her designee.
- (O) Rights-of-way shall be designed to maximize the connections between streets. The use of cul-de-sacs should be minimized and are only allowed where there are topographic or environmental constraints on the land. Future connections to abutting land will be required as deemed necessary or where future development is anticipated.

#### 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 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 legally existing "Grandfathered short term rental units" as defined herein and as required by T.C.A. Section 13-7-601, et seq.

#### 303.05 Site Plan Requirements and Review Process

The developer utilizing an Open Space Subdivision Option shall adhere to the following steps in processing a design: first, the developer shall review the Conceptual Layout Plan and the Existing Site Conditions Map with the Red Bank

Planning Commission; second, based on approved design, the developer shall submit a preliminary plat for review and consideration by the Planning Commission and by the Red Bank City Manager or his/her designee; third, following approval by the Planning Commission, the developer shall submit a final subdivision plat and a final site plan for review and approval by the staff and the Planning Commission; and fourth, the approved subdivision plat and final site plan is recorded in the Registrar's Office of Hamilton County. In accordance with the Red Bank Subdivision Regulations.

(A) Existing Site Conditions Map and Conceptual Layout Plan Review Process

The developer shall review the proposed site development plan with the Red Bank City Manager or his/her designee prior to the submittal of the Preliminary Plat. The purpose of this review is to evaluate existing site characteristics and to review the proposed design of the subdivision. At this mandatory review meeting, the developer is required to furnish the City Manager or his/her designee with an existing conditions map and a scaled conceptual layout plan of the proposed development. Although not mandatory, an on-site visit should be held in conjunction with this initial site design review.

The conceptual layout plan and the existing Site Conditions Map shall be submitted to the Red Bank City Manager or his/her designee. As required, staff members of other public agencies will be consulted prior to conceptual layout plan approval. The submittal of this plan shall not be construed to be submission of a subdivision plat.

(B) Existing Site Conditions Map

The following are the required elements that must be portrayed on the Existing Site Conditions Map:

- 1) Minimum scale of one inch equals fifty feet (1" = 50'), with Graphic Scale and North Arrow
- 2) Topographic features depicted at a maximum five (5) foot contour interval
- 3) Historic features (i.e. structures or sites listed or eligible for inclusion on the National Register of Historic Places, State recognized historic structures or sites)
- 4) Areas of flood hazard, including designated Flood Hazard District and Floodways
- 5) Generalized type and location of existing vegetation
- 6) Existing utility easements
- 7) Property lines

(C) Conceptual Layout Plan

The following are required elements that must be portrayed on the Conceptual Layout Plan:

- 1) Minimum scale: One inch equals fifty feet (1" = 50');
- 2) Depict vehicular access including proposed rights-of-ways, alleys, common drives and easements;
- 3) Depict any pedestrian circulation, easements or trails other than those sidewalks required by these regulations;
- 4) Depict or list the lots which are permitted to have front parking access;
- 5) Depict common open space(s) and by note on the final plat, show proposed ownership of the common open space;
- 6) Depict recreation facilities or other similar community design features, such as gazebos
- 7) Depict street and landscaping design features
- 8) Depict the lot layout showing the proposed lot scheme. This layout is designed to display the general lot configuration and does not require surveyed dimensional data.

(D) Subdivision Plat/Development Plan Review Process

Based on evaluation and approval by the City Manager or his/her designee, the developer must submit a preliminary plat for review. The preliminary plat must conform to the requirements of the jurisdictional subdivision regulations and the design and layout of the approved Conceptual Layout Plan. After submission to and approval of the Preliminary Plat by the Planning Commission and the Red Bank City Manager or his/her designee, the Final Plat must be submitted, reviewed and approved by the City Manager or his/her designee. In addition, the site developer shall prepare a scaled final site plan for attachment to the Final Plat. If the desired design elements can be depicted on the Final Subdivision Plat, a separate site plan is not required. If a separate document is attached to the subdivision plat as an addendum, its format will conform to subdivision plat standards and it will be referenced on the subdivision plat as an addendum or attachment.

(E) Final Site Plan

The Final Site Plan shall depict the final subdivision design and include the following elements:

- 1) Minimum scale: One inch equals fifty feet (1" = 50')
- 2) Proposed building and accessory structures

- 3) Required landscaping, including streetscape details
  - 4) Location of open space, public parks and recreation facilities
  - 5) Street and alley layout
  - 6) Pedestrian circulation system
  - 7) Additional details and design features which are required by ordinance or as required by the Planning Agency review staff
- (F) Recordation of the Final Plat and Site Plan

Following review and approval by the Planning Commission and the Red Bank City Commission, the Final Plat and Site Plan shall be recorded by the developer in accordance with the Red Bank Subdivision Regulations.

#### 303.07 Communications Towers

See Chapter XI, Communications Towers

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

#### 304.01(A) Permitted Uses

- (A) Single-family dwellings, excluding factory manufactured homes constructed as a single, self-contained unit and mounted on a single chassis.
- (B) Two-family dwellings
- (C) Schools
- (D) Parks, playgrounds, and community buildings
- (E) Golf courses, except driving ranges, miniature courses, and other similar commercial operations
- (F) Fire halls and other public buildings
- (G) Churches
- (H) Accessory uses and buildings
- (I) Day care homes

- (F) Kindergartens operated by governmental units or by religious organizations
- (G) Home occupations
- (H) Day care centers, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (I) Group homes for intellectually and developmentally disabled persons or persons who are mentally or physically handicapped operated on a non-commercial basis. See Section 14-301.01 (K).

#### 304.01(B) Permitted 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 legally existing "Grandfathered short term rental units" as defined herein and as required by T.C.A. Section 13-7-106, et seq.

#### 304.02 Height and Area Regulations

- (A) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet, the building shall be set back one additional foot from all property lines.
- (B) The minimum lot size shall be 7,500 square feet for a single-family dwelling unit and 9,500 square feet for a two family dwelling unit. The minimum frontage shall be sixty feet. All other uses shall have a minimum lot size of 10,000 square feet.

- (C) There shall be a front yard of not less than twenty-five (25) feet.
- (D) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet at the side street if on an intersection.
- (E) There shall be a rear yard of not less than twenty-five (25) feet.

#### 304.03 Floor Area Regulations

- (A) For a single-family structure, at least 1,200 square feet.
- (B) For a duplex, at least 1,800 square feet.

#### 304.04 Off-Street Parking Regulations

Off-street parking shall be provided on the same lot as the building or on a lot adjacent to the building in accordance with the following requirements:

- (A) Two spaces for every dwelling unit
- (B) One space for every four (4) seats in a main auditorium of churches, schools, and other public buildings
- (C) Off-street parking on lots in the R-2 Residential Zone shall be permitted when such lots are adjacent to a C-1, L-1, or M-1 Zone, provided plans for such off-street parking are approved by the City Manager his/her designee, and a Special Exceptions Permit is issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission. Such plan shall also provide for the paving of all driveways and parking areas and adequate draining of the lots. In each case, it shall find that the use where proposed will be in harmony with general intent and purpose of the Zoning Ordinance and shall require such yard requirements, screening, landscaping, ingress and egress controls, sign controls, as may be needed to assure reasonable controls so as to make the conditional property be compatible with surrounding uses.
- (D) Parking space for all other uses shall be in the amount satisfactory to the City Manager or his/her designee.

#### 304.05 Special Exceptions for Planned Unit Development

Flexibility in the arrangement of residential uses may be permitted by the City Commission as special exceptions in any R-2 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be five (5) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such use or uses shall require a special permit under the terms of Section 14-307 of this Ordinance.

(Ordinance No. 524, July 1, 1986.)

304.06 Access Control

As regulated in Section 14-204.07 of this Ordinance

304.07 Uses permitted as Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission are the same as in Section 14-301.06.

304.08 Communications Towers

See Chapter XI, Communications Towers

SECTION 14-305. R-3 Residential Zone

305.01(A) Permitted Uses

- (A) Single-family dwellings, excluding factory manufactured homes constructed as a self-contained unit and mounted on a single chassis.
- (B) Two-family dwellings when part of a mixed-use residential development where at least 50% of all developable land must be used for detached single-family dwellings. Two-family dwellings not part of a mixed-use residential development are permitted only by Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (C) Multi-family dwellings when part of a mixed-use residential development where 50% of all developable land must be used for detached single-family dwellings. Multi-family dwellings not a part of a mixed-use residential development are permitted only by Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (D) Parks, playgrounds, and community buildings
- (E) Golf courses, except driving ranges, miniature courses, and Par 3 golf courses
- (F) Fire halls and other public buildings
- (G) Churches
- (H) Schools
- (I) Home occupations

- (J) Short Term Residential Rental Units, subject to certification and issuance and maintenance of current short term residential rental permit.
- (K) Accessory uses and buildings
- (L) Day care homes, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (M) Kindergartens operated by governmental units or by religious organizations
- (N) Day care centers, except that such uses shall require a special permit to be issued by the Board of Appeals
- (O) Group homes (in single-family detached residence only) for intellectually and developmentally disabled persons or mentally or physically handicapped persons operated on a non-commercial basis (See Section 14-301.01(K))

#### 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.

#### 305.02 Height and Area Regulations

- (A) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these height requirements provided that for every one foot of additional height over thirty-five (35) feet the building shall be set back one additional foot from all property lines.
- (B) The minimum lot size for dwellings shall be one lot or parcel of 7,500 square feet plus 2,000 square feet of lot area for each additional unit.
- (C) The minimum size for lodging or boarding houses shall be 7,500 square feet, plus 500 square feet for each lodger in excess of two.

- (D) The minimum size for all other permitted uses shall be 10,000 square feet.
- (E) The minimum lot frontage shall be sixty (60) feet.
- (F) There shall be a front yard of not less than twenty-five (25) feet.
- (G) There shall be a side yard on each side of the building of not less than ten (10) feet, twenty-five (25) feet at the side street if at an intersection.
- (H) There shall be a rear yard of not less than twenty-five (25) feet.

#### 305.03 Floor Area Regulations

- (A) For a single-family dwelling when part of a mixed-used residential development there shall be a minimum of 2,000 square feet of floor area or a minimum of 1,200 square feet if not part of a mixed-use residential development.

#### 305.04 Off-Street Parking Regulations

Off-street parking shall be provided on the same lot as or on a lot adjacent to the building in accordance with the following requirements:

- (A) There shall be at least two (2) spaces per dwelling unit for duplexes and single-family dwellings. There shall be three (3) spaces for units with four (4) or more bedrooms.
- (B) There shall be at least one and one-quarter ( $1 \frac{1}{4}$ ) spaces per dwelling unit for apartments. Units with two or more bedrooms shall have one and three-quarter ( $1 \frac{3}{4}$ ) spaces per dwelling unit.
- (C) One space for every two (2) lodgers in a boarding house.
- (D) One space for every four (4) seats in a main auditorium for churches, schools, and other public buildings.
- (E) For all other permitted uses, one space for every 200 square feet usable floor area, excluding all service areas, such as halls and stairways.

#### 305.05 Special Exceptions for Planned Unit Development

Flexibility in the arrangement of residential uses may be permitted by the City Commission as special exceptions in any R-3 Residential Zone, provided that the minimum size of any tract of land sought to be used for the planned unit shall be five (5) acres and that a desirable environment through the use of good design procedures is assured, allowing flexibility in individual yard requirements to provide for multiple dwelling units, townhouses, and two-family units, except that such uses shall require a special permit under the terms of Section 14-307 of this Ordinance.

(Ordinance No. 524, July 1, 1986)

305.06 Access Control

As regulated in Section 14-204.07 of this ordinance.

305.07 Uses permitted by Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission

Same as in Section 14-301.06

305.08 Screening Requirements

See Chapter IX, Screening Requirements

305.09 Design Review Requirements

See Chapter X, Design Review Requirements  
Applies only to non-residential uses and multi-family uses

305.10 Communications Towers

See Chapter XI, Communications Towers

SECTION 14-306. R-4 Special Zone

306.01(A) Permitted Uses

- (A) Single-family, two-family, and Multiple family dwelling. Single-family dwellings exclude factory manufactured homes constructed as a self-contained unit and mounted on a single chassis. Two-family and multi-family dwellings are permitted only by Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission
- (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.
- (C) Colleges, schools, and libraries
- (D) Churches
- (E) Social agencies and other non-commercial public and semi-public uses subject to Special Exceptions Permit for Social Agencies if determined

necessary by Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

- (F) Dormitories
- (G) Commercial parking lots except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission
- (H) Professional, medical or dental office, and clinics
- (I) Laboratories and research centers not objectionable because of odor, dust, noise, or vibration
- (J) Offices
- (K) Parks and playgrounds
- (L) Home occupations
- (M) Drug stores or restaurants in office buildings.
- (N) Short Term Rental Units, subject to certification and issuance and maintenance of a current short term rental permit.
- (O) Hospitals and nursing homes, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (P) Mortuaries, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (Q) Accessory uses and buildings
- (R) Day care homes
- (S) Kindergartens operated by governmental units or by religious organizations
- (T) Day care centers, except that such uses shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (U) Kindergartens, except for those operated by governmental units or by religious organizations, except that such uses shall require a Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

- (V) Banks and branch banks.
- (W) Animal hospitals and pet cemeteries and associated crematory subject to Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (X) Radio, television and motion picture communication towers subject to Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission. See Chapter XI Communications Towers.
- (Y) Drug or alcohol, penal or correctional halfway houses or rehabilitation centers and other uses similar in character and impact subject to Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission. See Chapter X, Design Review Requirements.
- (Z) Beauty shops, barbershops and hair salons by Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (AA) Assisted and medically assisted living facilities by Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (BB) Group homes for intellectually and developmentally disabled persons and persons who are mentally or physically handicapped operated on a non-commercial basis. Group homes are to located in detached single-family residences only. See Section 14-301.01 (K).
- (CC) Group homes for intellectually and developmentally disabled persons or persons who are mentally or physically handicapped operated on a commercial basis subject to issuance of a Special Exception Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission and subject to the same requirements as for the exempt group homes. See Section 14-301.01 (K).

#### 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.

### 306.02 Height and Area Regulations

- (A) No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one additional foot from all property lines.
- (B) The minimum lot size shall be 7,500 square feet, plus 2,000 square feet for each dwelling unit over one. Boarding houses, dormitories, fraternity, and sorority houses shall have a minimum of 10,000 square feet. The minimum frontage shall be 60 feet.
- (C) There shall be a front yard of not less than twenty-five (25) feet.
- (D) There shall be a side yard on each side of the building of not less than ten (10) feet; twenty-five (25) feet on the side street if at an intersection.
- (E) There shall be a rear yard of not less than twenty-five (25) feet.
- (F) If not part of a mixed-use residential development, a single-family dwelling shall be at least 1,200 square feet.

### 306.03 Off-Street Parking Regulations

Off-street parking shall be provided on the same lot as, or on a lot adjacent to, the building and in accordance with the following:

- (A) There shall be at least two (2) spaces per dwelling unit for duplexes and single-family dwellings. There shall be three (3) spaces for units with four (4) or more bedrooms.
- (B) There shall be at least one and one-quarter (1 ¼) spaces per dwelling unit for apartment. Units with two or more bedrooms shall have one and three-quarter (1 ¾) spaces per dwelling unit.
- (C) For fraternity, society, or boarding houses, one space for every two (2) lodgers or fraction thereof.
- (D) For public uses or other uses with a chapel or auditorium, one space for every four (4) seats in the main auditorium.
- (E) For hospitals and nursing homes, one space for every three (3) beds.

- (F) For all other permitted uses, one space for every 200 square feet of usable floor area, excluding all service areas, such as halls and stairways.  
(Ordinance No. 524, July 1, 1986)

306.04 Access control

As regulated in Section 14-204.07 of this Ordinance.

306.05 Screening requirements

See Chapter IX, Screening Regulations

306.06 Design Review Requirements

See Chapter X, Design Review Requirements  
Applies only to non-residential uses and multi-family uses

306.07 Communications Towers

See Chapter XI, Communications Towers

SECTION 14-307. PUD Planned Unit Development

307.01 Purpose

The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development that will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

307.02 Zoning Classifications

There shall be two (2) classifications of a Planned Unit Development. A PUD may be located in R-2 or R-3 Residential Zone.

The zoning regulations for Planned Unit Developments in each of the zones are as follows:

- (A) Permitted Uses in all PUD's
  - 1) Single-family dwellings, excluding manufactured homes

- 2) Two-family dwellings
- 3) Townhouses
- 4) Apartment houses when part of mixed-use residential development
- 5) Schools
- 6) Parks, playgrounds, and community buildings
- 7) Golf courses, except driving ranges, miniature courses, and Par 3 courses
- 8) Fire halls and other public buildings
- 9) Churches
- 10) Accessory uses and buildings customarily incident and subordinate to the above
- 11) Home occupations
- 12) Group homes as defined in Section 14-201.01 (K).

#### 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 previously legally existing "Grandfathered short term rental units" as defined herein and as required by T.C.A. Section 13-7-601, et seq.

#### 307.04 Height and Area Regulations

- (A) No building shall exceed two and one-half stories or 35 feet in height, except that a building may exceed these height regulations provided for

every one foot of additional height over 35 feet, the building shall be set back one additional foot from all property and/or building lot lines.

- (B) The minimum development site for PUD, located in an R-2 or R-3 Residential Zone, shall be at least five (5) acres.
- (C) No free-standing building shall be closer than 10 feet to any other free-standing building and no closer than 25 feet to the exterior property line.

#### 307.05 Off-Street Parking Regulations

Off-street parking shall be provided on a site adjacent to the building in accordance with the following requirements:

- (A) There shall be at least two (2) spaces per dwelling unit for townhouses, duplexes, and single-family dwellings
- (B) There shall be at least one and one-half spaces per dwelling unit for apartment houses
- (C) There shall be at least one space for every three seats in the main auditorium of churches and other public buildings
- (D) Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development

#### 307.06 Access Control

As regulated in Section 14-204.07 of this ordinance

#### 307.07 General Provisions

- (A) A PUD will be shown on the zoning map when the final PUD plan has been approved by the Planning Commission. A PUD may be located within an area zoned R-2 or R-3 as delineated on the zoning maps of the City of Red Bank.
- (B) In addition, a PUD to be located in an R-3 Residential Zone shall be located along, or within, 500 feet of a major street at least collector status as shown on Major Street Plan as adopted by the Planning Commission, provided access to said street is approved by the City Manager his/her designee

#### 307.08 Development Standards

- (A) All Planned Unit Developments shall conform to the requirements of Chapter VI, Flood Damage Prevention, of this Ordinance.

- (B) Streets may be at an elevation equal to one foot below flood level.  
(Ordinance No. 524, July 1, 1986)
- (C) Due to the special nature of planned unit development (PUD) housing developments and zoning uses allowed by these regulations, the Planning Commission may recommend, with or without application or approval of an owner or developer, and subject to subsequent approval or rejection by the City Commission, special considerations, variances, easements or other arrangements due to topography and/or other considerations unique to the land itself contemplated to be developed exclusive of the convenience of the developer, in order to provide for adequate circulation of traffic, parking and servicing of the structures even though such considerations, variances, easements, and provisions might not normally be allowed or specified in the Red Bank Subdivision Ordinance, the Red Bank Zoning Ordinance or regulations pertinent to either of them. More particularly, strict adherence to any other provisions of this Zoning Ordinance now or in the hereafter enacted, or to any other provisions of the Red Bank City Code as relates to separation distances or configurations of "flag "lots" may be, in appropriate circumstances and whether or not recommended by the Planning Commission waived or varied as necessary or appropriate in the judgement of the Planning Commission and affirmed or rejected by the City Commission. Such accommodations, variances, considerations, easements or other arrangements may be recommended by the Planning Commission and/or approved by the City Commission shall not recommend same.

#### 307.09 Site Improvements

- (A) All dedicated public streets shall be constructed in accordance with plans and specifications furnished by the City Manager or his/her designee on right-of-way having a minimum width of fifty (50) feet.
- (B) There shall be constructed sidewalks, or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be four (4) feet.
- (C) Curbs and gutters shall be constructed in accordance with standard plans and specifications furnished by the City Manager or his/her designee.
- (D) Storm drainage structures shall be constructed in accordance with standard plans and specifications furnished by the City Manager or his/her designee.
- (E) Fire hydrants in a location approved by the Red Bank Fire Department.
- (F) A sanitary sewer system, or a package sewage treatment plant, spray irrigation system, septic tank, etc., approved by the Chattanooga-Hamilton County Regional Health Department and the City Manager.

### 307.10 Computation of Density

- (A) The maximum number of dwelling units of a PUD to be located in an R-2 Residential Zone shall be computed by multiplying the gross acreage to be developed by 7.5, excluding any area to be developed as a church or school.
- (B) The maximum number of dwelling units of a PUD to be located in an R-3 Residential Zone and connected to a municipal sewer system, shall be computed by multiplying the gross acreage to be developed by 24, excluding any area to be developed as a church or school. For those PUD's not connected to a municipal sewer system in an R-3 Residential Zone, the maximum number of dwelling units shall be computed by multiplying the gross acreage to be developed by 7.5.
- (C) Where zone boundaries for two or more residential zones divide one tract of land proposed for a PUD, the maximum number of dwelling units shall be computed by multiplying the gross acreage within each zone by densities given above, and adding the numbers for the whole tract. The allowed maximum number of dwelling units may be located anywhere within the tract, in accordance with the regulations of this ordinance.

### 307.11 Open Space Requirements

- (A) On-site usable recreation and open space shall be provided. Such area shall be set aside for open space or recreation purposes only. It is intended to serve the residents of the PUD, and should therefore be easily accessible to them. If the PUD is to be of individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.
- (B) Said open space shall be maintained in one of the following methods:
  - 1) By the developer of management authority of the PUD;
  - 2) By a Home Owner's Association established by deed restrictions;
  - 3) By the City of Red Bank upon approval of the dedication to the City, as public open space.

### 307.12 Staging

- (A) The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.

- (B) The Planning Commission may recommend that the City Commission require that development be done in stages if public facilities are not adequate to service the entire development initially.

### 307.13 Changes and Modifications

- (A) Major changes in the Planned Unit Development after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.
- (B) Minor changes:
  - 1) Minor changes in the Planned Unit Development Plan may be approved by the Planning Commission provided that such changes:
    - a) Do not increase the densities;
    - b) Do not change the outside (Exterior) boundaries;
    - c) Do not change any use;
    - d) Do not materially change the location or amount of land devoted to specific land uses;
    - e) Do not significantly change the exterior appearance from those shown on any plans that may be submitted or presented by the developer.
  - 2) Minor changes may include, but are not limited to: minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

### 307.14 Application Procedure for Planned Unit Development

- (A) To obtain a Special Exceptions Permit to develop a Planned Unit Development, the developer shall submit a Preliminary Planned Unit Development Plan to the Planning Commission for its review and recommendation to the City Commission of the City of Red Bank. The Preliminary PUD Plan shall be drawn at a minimum scale of one inch equals one hundred feet (1" = 100'), and shall:
  - 1) Define the location, size, accessibility, and existing zoning of the proposed site;
  - 2) Indicate the surrounding type of development and land use;
  - 3) Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space;
  - 4) Show a plan for streets, thoroughfares, public utilities, school, and other public or community uses;

- 5) In addition to the above, the Planning Commission or City Commission may require such other additional information as may be determined necessary to adequately review the proposed development.
- (B) The Planning Commission shall hold a public hearing on the proposed Preliminary PUD Plan. Notice and publication of such public hearing shall conform to the procedures prescribed in Section 14-209 of this Ordinance.
- (C) Upon the approval or disapproval of the Planning Commission, the Preliminary PUD Plan shall be submitted to the City Commission for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary PUD Plan, with specific reference to, but not limited to, the following conditions:
  - 1) The property adjacent to the area included in the plan will not be adversely effected;
  - 2) The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare.
  - 3) That the buildings shall be used only for single-family dwellings, two-family dwellings, or multiple-family dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including school and/or churches.
  - 4) There is a need for such development in the proposed location.
  - 5) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.
- (D) Upon approval by the City Commission (after recommendation from the Planning Commission), of the Preliminary PUD Plan, the City Commission shall direct the issuance of a Special Exceptions Permit to develop a Planned Unit Development to the owner-developer, subject to the approval of the Final PUD Plan by the Planning Commission.
- (E) No building permits shall be issued until after approval of the Final PUD Plan by the Planning Commission. The building inspector shall revoke any permit issued in reliance upon said plan as finally approved at such times as it becomes obvious such plan is not being complied with.
- (F) No Preliminary PUD Plan shall be approved by the City Commission unless it is first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Red Bank City Commission.

- (G) Upon approval of the City Commission, the developer shall then complete a Final PUD Plan for review by the Planning Commission. The Preliminary and the Final PUD Plan shall meet the requirements of the Red Bank Subdivision Regulations and be processed and recorded in accordance with those regulations as applicable.
- (H) Any Special Exception Permit shall expire twelve months from and after its issuance if the development as planned has not been adhered to, provided, however, that for good cause shown said Special Exceptions Permit may be extended by the City Commission for additional periods not to exceed one year.

307.15 Screening Requirements

See Chapter IX, Screening Regulations

307.16 Design Review Requirements

See Chapter X, Design Review Requirements  
Applies only to non-residential uses and multi-family uses

307.17 Communications Towers

See Chapter XI, Communications Towers

SECTION 14-308. RT-1 Residential Townhouse Zone

308.01 Intent

It is for the intent of this section to provide regulations for the development of single-family townhouses (also called row houses and "attached" homes) in a manner that is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can be individually sold and owned on a "fee simple" basis. It is further intended as a policy that any townhouse development of more than 8 units should be located within 500' of a major arterial or collector street.

(Ordinance No. 416, August 19, 1980)

308.02(A) Permitted Uses

- (A) Single-family townhouse dwellings, excluding manufactured homes
- (B) Parks, playgrounds, schools, churches, and community buildings that are complimentary to the immediate neighborhood.
- (C) Accessory uses and buildings
- (D) Home occupations

- (E) Communications Towers subject to issuance of a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
  - (Ordinance No. 484, September 18, 1984)
  - (Ordinance No. 532, September 16, 1986)

#### 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 previously legally existing "Grandfathered short term rental units" as required by T.C.A. Section 13-7-601, et seq.

#### 308.03 Height and Area Regulations

- (A) No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one foot of additional height over thirty-five (35) feet, the building shall be set back one additional foot from all non-zero lot line property lines.
- (B) A minimum building size for townhouse dwellings shall be thirteen hundred and fifty (1350) square feet.
- (C) The minimum lot width shall be eighteen (18) feet.
- (D) All buildings must be set back at least twenty-five (25) feet from any dedicated public street.
- (E) Townhouse buildings (a continuous row of townhouse units) shall be separated by not less than forty (40) feet, front-to-end; or forty (40) feet front-to-front.
- (F) No building shall be located less than twenty-five (25) feet from any boundary of the RT-1 Residential Townhouse Zone, except on side yards where an RT-1 zone abuts the RZ-1, R-TVZ R-4, R-3 or any industrial and commercial zone, the minimum side yard requirement is fifteen (15) feet.

- (G) Except as provided above, there are no minimum front, side, or rear yard setback requirements.

#### 308.04 Off-Street Parking Regulations

- (A) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four (4) bedrooms or more shall be required to have three (3) parking spaces.
- (B) There shall be one (1) space for every three (3) seats in the main auditorium of churches and other public buildings.

#### 308.05 Provisions for Special Access and Utility Easements

Due to the special nature of residential townhouses and other types of "attached" housing allowed by these Regulations which apply to the approval and processing of the Plans for the RT-1 development, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing of the structures even though such easements and provisions might not normally be specified in the Red Bank Subdivision Ordinance. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units of the existing development, or for off-street parking of vehicles, and for any other reasonable design criteria deemed appropriate by the Planning Commission or Red Bank City Commission.

(Ordinance No. 524, July 1, 1986)

#### 308.06 Access Control

As regulated in Section 14-204.07 of this ordinance.

#### 308.07 Screening Requirements

See Chapter IX, Screening Regulations

#### 308.08 Design Review Requirements

See Chapter X, Design Review Regulations  
Applies only to non-residential uses and multi-family uses

#### 308.09 Communications Towers

See Chapter XI, Communications Towers

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

309.01 Intent

It is the intent of this Section to provide regulations for the development of single-family zero lot-line dwellings (also called patio homes) in a manner that is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can be individually sold and owned on a fee simple basis.

(Ordinance No. 415, July 15, 1980)

309.02(A) Permitted Uses

- (A) Single-family zero lot-line dwellings, excluding mobile homes, including single family detached homes as long as there is a minimum side setback of at least six (6) feet and at least (12) feet between the vertical building surfaces of detached homes on adjacent lots.
- (B) Parks, playgrounds, schools, churches and community buildings that are complimentary to the immediate neighborhood.
- (C) Accessory uses and buildings
- (D) Home occupations
- (E) Communications Towers subject to issuance of a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission  
(Ordinance No. 484, September 18, 1984)  
(Ordinance No. 532, September 16, 1986)

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 legally existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

309.03 Height, Area and Building Regulations

- (A) No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one foot of additional height over thirty-five (35) feet, the building shall be set back one additional foot from all exterior property lines of the RZ-1 District.
- (B) A minimum lot size area for zero lot-line and patio homes shall be two thousand six hundred and twenty-five (2625) feet.
- (C) The minimum lot width shall be thirty-five (35) feet
- (D) All buildings must be set back at least twenty-five (25) feet from any dedicated public streets.
- (E) The side yard setback of the adjacent lot must be from zero to a tenth of a foot (1.2 inches) or a minimum of ten (10) feet except in the instance of adjacent lots with separated family detached homes on adjacent lots and provided that both side setbacks of any such adjacent detached single family dwellings shall be at least six (6) feet and such detached single family dwellings must be separated by a minimum of at least twelve (12) feet. See Chapter XI, Communications Towers.
- (F) The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building).
- (G) The wall on the zero-foot yard setback must be constructed of maintenance-free, solid, decorative masonry and no portion can project over any property line.
- (H) Similar zero lot-line exceptions can be made for the rear yard, but not for both the side and rear yards of the same lot.
- (I) No building shall be located less than twenty-five (25) feet from any boundary of the RZ-1 Residential District, except on side yards where an RZ-1 Residential Zone abuts the RT-1, R-4, R-3, R-T\Z Zone or any industrial and commercial zone, the minimum side yard requirement is fifteen (15) feet.
- (J) To assure security and privacy within a development, no windows, doors or other openings are permitted on the zero lot line of structures, except

that the use of translucent glass shall be permitted to allow natural light to enter the building without significantly compromising privacy.

309.04 Off-Street Parking Regulations

- (A) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two (2) spaces per dwelling unit. Units with four bedrooms or more shall be required to have three (3) parking spaces.
- (B) There shall be one (1) space for every three (3) seats in the main auditorium of churches or other public buildings.

309.05 Provision for Special Access and Utility Easements

Due to the special nature of these housing types, the Red Bank Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Red Bank Subdivision Regulations. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion that will be compatible with the remaining units.

(Ordinance No. 524, July 1, 1986)

309.06 Access Control

As regulated in Section 14-204.07 of this ordinance.

309.07 Screening Requirements

See IX, Screening Regulations

309.08 Design Review Requirements

See Chapter X, Design Review Regulations  
Applies only to non-residential uses and multi-family uses

309.09 Communications Towers

See Chapter XI, Communications Towers

SECTION 14-310. R-T\Z RESIDENTIAL TOWNHOUSE\ZERO LOT LINE ZONE

310.01 Intent

It is the intent of this section to provide regulations for the development of Townhouses, single-family zero lot line dwellings (also called patio homes), and/or

mixed-use moderate density residential development in a manner which is attractive, provides for efficient use of land, and is compatible with surrounding development. It is further intended that these regulations provide for standards that will foster compatibility between R-T\Z development and lower density, standard single-family uses. It is also intended that R-T\Z development be sold in fee simple to encourage owner occupancy. For purposes of the R-T\Z Zone, the term "exterior street" refers to any public, dedicated and accepted street existing prior to the R-T\Z development. The term "interior street" refers to any street built as part of the R-T\Z development, both sides of which are zoned R-T\Z.

#### 310.02(A) Permitted Uses

- (A) Single-family detached dwellings, excluding manufactured homes or mobile homes constructed as a single self-contained unit and mounted on a single chassis
- (B) Townhouses
- (C) Zero Lot Line single-family detached dwellings excluding manufactured or mobile homes
- (D) Parks, playgrounds, schools, churches and community owned not-for-profit buildings which are complimentary to the immediate neighborhood
- (E) Golf courses, except driving ranges, miniature golf courses and other similar commercial operations
- (F) Accessory uses and buildings
- (G) Home occupations
- (H) Kindergartens, operated by governmental units or religious organizations

#### 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, 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.

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

310.03 Uses permitted by Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission

- (A) Kindergartens not operated by governmental units or religious organizations
- (B) Day care centers
- (C) Communication Towers: See Chapter XI

310.04 Height, area and building regulations

- (A) Maximum density: eight (8) units per acre
- (B) Minimum lot width:
  - 1) Single-family detached units: thirty-five (35) feet
  - 2) Zero Lot Line units: thirty-five (35) feet
  - 3) Townhouse units: twenty-four (24) feet
- (C) Minimum front yard setback (from any Exterior Public Street):
  - 1) Single-family detached units: twenty-five (25) feet
  - 2) All other buildings: forty (40) feet; May be reduced to twenty-five (25) feet if Type C landscaping or equivalent (see Chapter IX) is provided along the exterior street(s).
- (D) Minimum front yard setback (from any Interior Public Street):
  - 1) Fifteen (15) feet
  - 2) Ten (10) feet if rear parking and loading is provided
- (E) Minimum rear yard setback: twenty-five (25) feet
- (F) Minimum side yard setback:
  - 1) Single -family detached units: ten (10) feet

- 2) Zero Lot Line units: from zero (0) to one and a half (1.5) feet, or a minimum of ten (10) feet from the adjacent property line if buildings are to be separated over one-tenth (1\10) of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and a half (1.5) feet setback. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).
- 3) Townhouse units (when a side yard exists): twenty-five (25) feet; ten (10) feet if abutting R-T\Z, RZ-1, R-3, R-4, O-1 or any commercial or industrial zone.
- 4) Building separation:
  - a) Single-family detached dwellings: Shall be separated by not less than forty (40) feet, except twelve (12) feet from side to side.
  - b) Three or more unit townhouses: Shall be separated by not less than forty (40) feet, except twelve (12) feet end to end or end to the side of other permitted housing types.

310.05 Requirements applicable to all R-T\Z development

- (A) Security and privacy: To assure security within a development, no windows, doors, or other openings are permitted on the zero lot line of structures except that the use of translucent glass shall be permitted to allow natural light to enter the building without significantly compromising privacy.
- (B) Maximum building height: thirty-five (35) feet or two and one-half stories.
- (C) Sidewalks: Sidewalks, if provided, are to be built according to standards provided by the City Manager or his/her designee.
- (D) Landscape requirements:
  - 1) All property lines abutting R-1 or R-1A zoned property must have Type C landscaping or equivalent (see Landscaping Regulations, Chapter IX).
  - 2) Townhouse development which fronts on exterior public streets must have front yards which are at least 65% grass\landscaping with any driveway and\or sidewalk to be composed of concrete or pavers. Landscaping along all property lines fronting exterior streets must be provided subject to review and approval of a site-specific landscape plan.
- (E) Site plan requirement: A site sketch plan shall be submitted with the rezoning application and shall show the following:
  - 1) Site access and preliminary street layout

- 2) Type of off street parking
- 3) Preliminary lot design
- 4) Range of lot sizes
- 5) Number of lots
- 6) Acreage
- 7) Open space/recreation areas if provided
- 8) All buffer, landscape and screen areas including site specific landscape design

310.06 Provisions for special access and utility easements

Due to the special nature of these housing types, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Red Bank Zoning Regulations. These easements and special covenants are to be shown on the subdivision plans that are to be processed and recorded in accordance with the Red Bank Subdivision Regulations. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion that will be compatible with the remaining units.

310.07 Screening Requirements

See Chapter IX, Screening Requirements.

310.08 Design Review Requirements

See Chapter X, Design Review Requirements.

310.09 Communications Towers

See Chapter XI, Communications Towers

SECTION 14-311. R-5 RESIDENTIAL ZONE

311.01(A) Permitted Uses

- (A) Single-family dwellings including manufactured or mobile homes
- (B) Two-family dwellings

- (C) Schools
- (D) Parks, playgrounds and community owned not-for-profit buildings
- (E) Golf courses, except driving ranges, miniature courses and other similar commercial operations
- (F) Fire stations and other publically owned buildings
- (G) Churches
- (H) Accessory uses and buildings
- (I) Home occupations
- (J) Day care homes
- (K) Kindergartens operated by governmental units or religious organizations
- (L) Group homes as defined in Section 14-301.01 (K).
- (M) Short term rental units, subject to certification and issuance and maintenance of current short term rental permit as:

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.

311.02 Uses permitted by Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission

- (A) Day care Centers

- (B) Kindergartens not operated by governmental units or religious organizations
- (C) Communications towers. See Chapter XI Communications Towers.

311.03 Height and area regulations

- (A) No buildings shall exceed two and one-half stories or 35 feet in height, except that building may exceed these requirements provided that for every foot of additional height over 35 feet the building shall be set back one additional foot from all property lines.
- (B) Minimum lot area and frontage:  
  
The minimum area requirement is 7,500 square feet for a single-family dwelling and 9,500 for a two-family dwelling. If the lot is on a septic system the minimum lot size shall be determined by Chattanooga-Hamilton County Health Department.
- (C) There shall be a front yard of not less than 25 feet, and a back yard of not less than twenty-five (25) feet.
- (D) There shall be a side yard on each side of a building of 10 feet, except for corner lots where the side facing the street shall have a setback of 25 feet.

311.04 General provisions

All manufactured homes shall be tied down in a manner meeting safety and performance requirements of any governmental agency covering tie-down and the City Manager or his/her designee.

**CHAPTER IV. OFFICE AND COMMERCIAL ZONES**

**SECTION 14-401. O-1 Office Zone**

401.01 Permitted Uses

- (A) Offices
- (B) Single-family dwellings, excluding manufactured or mobile homes
- (C) Schools and libraries
- (D) Churches
- (E) Professional, medical or dental offices and clinics

- (F) Laboratories and research centers not objectionable because of odor, dust, noise or vibration
- (G) Fire stations and other publically owned buildings
- (H) Accessory uses and buildings
- (I) Signs incidental to the permitted uses, except that only one (1) sign shall be permitted for each structure, which sign shall be set back at least ten (10) feet from any property line. The sign shall not exceed forty-eight (48) square feet in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five (25) foot candles at the face of the sign. No flashing or intermittent lights will be permitted.
- (J) Parks and playgrounds

401.02 Uses permitted by Special exceptions permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission

- (A) Day care centers
- (B) Fraternal, professional, or hobby organizations or clubs
- (C) Communications towers (See Chapter XI)
- (D) Commercial parking lots when abutting Commercially or Industrially zoned properties

401.03 Height and area regulations

- (A) No building shall exceed two and one-half stories or 35 feet in height except that a building may exceed these requirements provided that for every foot of additional height over 35 feet, the building shall be set back one additional foot from all property lines.
- (B) There is no minimum lot size except for single-family which shall have a minimum lot size of 7,500 square feet on central sewer. If other disposal means, lot size shall be determined by the Chattanooga- Hamilton County Health Department.
- (C) Minimum frontage shall be sixty (60) feet.
- (D) There shall be a front yard of not less than twenty-five (25) feet, and a back yard of not less than twenty-five (25) feet.
- (E) There shall be a side yard of not less than ten (10) feet when a permitted use joins a residential zone. For corner lots, the side yard shall be not less than twenty-five (25) feet on the side street.

- (F) There shall be a rear yard of not less than twenty-five (25) feet where a permitted use adjoins a residential zone.
- (G) Other than as provided above, no other front, side or rear yards are required, except where buildings are separated, the distance between them shall be at least twenty (20) feet.

401.04 Screening Requirements

See Chapter IX, Screening Regulations.

401.05 Design Review Requirements

See Chapter X, Design Review Regulations.

- 401.06 (1) Uses Permitted in other zones except as expressly permitted in this zone.
- (2) Alternative Financial Services.
  - (3) In general, uses which are not in keeping with the intent of this zone.

SECTION 14-402. C-1 Commercial Zone

402.01 Intent

It is the intent of the C-1 Commercial Zone to:

- (A) Promote a diverse mix of retail and service uses to serve both area residents and customers traveling to and from other neighborhoods and places of employment;
- (B) Balance the need to accommodate automobile-oriented commerce with the need to promote more pedestrian-oriented development in the commercial corridor;
- (C) Minimize conflicts between uses in and around the district through landscape and buffering requirements;
- (D) Emphasize access control to manage traffic generated by general commercial uses;
- (A) Promote quality residential development that enhances the character of the commercial corridor; and
- (B) Ensure that new development meets the intent of the Red Bank Design Review Standards.

The Location(s) of C-1 Commercial Zoned properties are as shown on the official zoning map for the City of Red Bank.

402.02 Permitted Uses

- (A) Banks
- (B) Barber/beauty shops
- (C) Studios
- (D) Restaurants and other establishments serving food and beverages
- (E) Theaters
- (F) Shoe repair
- (G) Retail sales and service establishments
- (H) Florists
- (I) Schools, churches and other public and semi-public buildings
- (J) Plumbing, workshops, electrical, radio and TV shops and other similar uses provided that not more than five (5) persons are employed therein.
- (K) Hotels/motels, short term residential 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.
- (L) Outdoor display or storage or sale of merchandise 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. Permitted uses exempt from outdoor storage requirements in this Section include
  - 1) New and Used car, motorcycle, boat, farm equipment dealers;
  - 2) Gasoline Service Stations and Auto repair centers;
  - 3) Hardware stores; Home Improvement stores;
  - 4) Grocery stores;
  - 5) Uses similar to the above in character and impact;

- (M) Signs advertising goods and services provided on premises subject to height, setback and size limitations otherwise provided by ordinance of the City.
- (N) Bakeries whose products are sold at retail and on the premises
- (O) Office Buildings
- (P) Small printer shops, except that the gross floor area shall not exceed 2,000 square feet
- (Q) Residential uses when part of a mixed-use commercial development with only offices and/or commercial uses on the ground floor.
- (R) Accessory buildings and uses customarily incident to the above uses
- (S) Deleted
- (T) Single-family detached dwellings except manufactured homes
- (U) In general, any use similar in character and impact as the above uses. Final interpretation, if necessary shall be by the Red Bank City Commission upon recommendation of the Planning Commission.
- (V) Any new development, re-development or change of use shall be subject to the requirements of Chapter IX, Screening Requirements, and Chapter X, Design Review Requirements
- (W) Micro-breweries and/or brew pubs, where beer, as otherwise defined and regulated in the Red Bank City Code and subject to all licensing and distance requirements thereof, is manufactured and distributed at wholesale and/or retail in a combined restaurant/brewery/micro-brewery/tavern setting. Provided that a Special Use Permit issued or withheld pursuant to the standards and requirements set out in Section 4.01.01 of the Red Bank City Code shall be precondition if the micro-brewery or brew pub use shall abut a residential zone. A micro-brewery and/or brew pub shall be defined as a business, occupying building space of five thousand (5,000) square feet or less of, where beer, as otherwise defined or regulated in Title 8 of the Red Bank City Code is brewed or manufactured for sale at retail or wholesale for off-premises consumption only, but where a tasting room with complementary sampling of such on-site produced beer is otherwise permitted as an accessory use.

402.03 Uses Permitted Subject to Issuance of a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission When Such Uses Abut Any Residential Zone.

A site plan, drawn to a scale of 1"=100', shall be submitted with each request for Special Permits. The proposed structure, ingress and egress, parking, landscaping, signage, and other material as may be deemed necessary by the City Manager or his/her designee.

In each case, the Commissions shall find that the proposed use will be in harmony with the intent and purpose of the Zoning Ordinance and shall require such yard requirements, screening, landscaping, ingress and egress controls, sign controls, as may be needed to assure that the use will be compatible with surrounding property uses. The permit may be issued subject to finding that the use(s) will operate in such a manner so as to be in harmony with the intent of this zone.

- (A) Laundry and/or dry cleaning establishments; provided that no flammable materials are used
- (B) Miniature golf courses and similar outdoor amusement facilities
- (C) Off-street parking on lots in the R-2, R-3 and R-4 Residential zones shall be permitted when such lots are adjacent to a C-1 Zone provided plans for such off-street parking are approved by the City Manager or his/her designee. Such plans shall also provide for the paving of all driveways and parking areas and adequate drainage of the lots.
- (D) Bowling alleys, or other indoor amusement
- (E) Halfway house, alcohol and drug rehabilitation centers
- (F) Veterinarians offices
- (G) Funeral homes and undertaking establishments
- (H) Car Washes
- (I) Hospitals and clinics and social agencies
- (J) Assisted living facilities
- (K) Nursing homes
- (L) Mobile home parks under the following terms:
  - 1) The applicant presents plans and specifications for the proposed park to the City Manager or his/her designee and the Planning Commission in a form suitable for making the determinations required therein.
  - 2) The proposed site shall contain not less than ten (10) acres total, and 2,400 square feet per mobile home.
  - 3) Connections to a public or private sewage disposal system satisfactory to the Hamilton County Division of Groundwater Protection Agency or the Hamilton County Water & Wastewater

Treatment Authority (WWTA), are provided for each mobile home space.

- 4) Connections to a public water supply system are provided for each mobile home space.
- 5) The demand for school, fire and police protection, and other public services and utilities created by the proposed park will not exceed the capacity of the agencies involved to provide such services.
- 6) A greenbelt strip, not less than twenty (20) feet in width, is located around the perimeter of the park except in those parts of the perimeter where such planting would create a traffic hazard by impairing visibility. Such greenbelt shall be composed of one row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart which grow to a height of six (6) feet or more after two full growing seasons.

(M) Reserved

(N) Apartments

(O) Alternative Financial Services; provided further that no Alternative Financial Services establishment shall be located within 1,320 feet of any other Alternative Financial Services establishment not within fifty (50) feet of any residential zone, with the interval distances to be measured from property line to property line and the burden of establishing such to be on the applicant.

#### 402.04 Height and Area Regulations

- (A) No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone or the M-1 zone.
- (B) There shall be a front yard of not less than fifty (50) feet.
- (C) There shall be a side yard of not less than ten (10) feet where permitted use adjoins a residential zone or a M-1 zone.
- (D) There shall be a rear yard of not less than twenty-five (25) feet where the permitted commercial use adjoins a residential zone.

#### 402.05 Off-Street Parking Regulations

See Section 14-406, Minimum Off-Street Parking and Loading Space Regulations

#### 402.06 Screening Requirements

See Chapter IX, Screening Regulations.

402.07 Design Review Requirements

See Chapter X, Design Review Regulations.

SECTION 14-403. Commercial Billboards and Signs

403.01 There shall be permitted, within the applicable zones, no more than 72 commercial billboards and signs within the corporate limits of the City of Red Bank, notwithstanding any other provisions to the contrary. The City Manager shall cause a census to be taken of the billboards within the corporate limits of the City of Red Bank which number shall be recorded and memorialized within the ordinances of the City of Red Bank and no permit shall be issued to any one requesting same which would cause the total number of billboards within the City to exceed the number of 72. The City Manager or his/her designee shall cause a list to be maintained of applicants who shall be first in time as to the issuance of a subsequent application if a billboard is torn down, removed or abandoned and not rebuilt within the time otherwise permitted in the zoning code. Nothing contained herein shall require any owner of the property on which said billboard or commercial sign might otherwise be erected to give any preference to any firm or individual. Provided further that nothing contained herein shall prohibit the erection of a commercial sign or billboard on the premises for which the product or commodity is to be sold or furnished except that the same shall likewise be subject to height, setback, size limitations otherwise provided by the ordinances of this City.

(Ordinance No. 531, September 16, 1986)

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

404.01 Intent

It is the intent of the C-2 Commercial Zone to

- (A) Function as the Central Business District for the City of Red Bank;
- (B) Promote a mix of retail, service, civic and related uses that enhance the character of the Central Business District as a pedestrian-friendly town center where people come to shop, dine, work, and gather;
- (C) Create pedestrian-oriented development that connects businesses with the sidewalk and contributes to a continuous commercial frontage of a size and scale that is compatible with a small town;
- (D) Encourage mixed-use development and residential development that enhances the character of the Central Business District;

- (E) Ensure that uses are compatible with surrounding neighborhoods;
- (F) Discourage uses that cater exclusively to automobile-oriented customers;  
and
- (G) Ensure that new development meets the intent of the Red Bank Design Review Standards.

The Location(s) of C-2 Central Business District of properties are as shown on the official zoning map for the City of Red Bank.

404.02 Permitted Uses

- (A) Banks
- (B) Barber/Beauty shops
- (C) Studios and Galleries
- (D) Restaurants and Delicatessens
- (E) Theaters
- (F) Shoe, musical instrument, jewelry repair and similar uses
- (G) Retail sales
- (H) Florists
- (I) Schools, churches and other public and semi-public buildings
- (J) Plumbing, electrical, radio, TV workshops provided no more than five (5) persons are employed and that all related trucks and equipment are stored at the rear of the building, not visible from Dayton Blvd.
- (K) Signs advertising goods and services provided on premises subject to height, setback and size limitations provided by Ordinance of this City
- (L) Bakeries whose products are sold retail and on the premises
- (M) Office buildings
- (N) Small printer shops, except that the gross floor area shall not exceed 2,000 square feet
- (O) Residential uses when part of a mixed-use commercial development, with only office and/or commercial uses on the ground floor.

- (P) Accessory uses and uses customarily incident to the above uses
- (Q) Medical offices and clinics
- (R) Veterinary offices with no outdoor run areas
- (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.
- (T) Micro-breweries and/or brew pubs, where beer, as otherwise defined and regulated in the Red Bank City Code and subject to all licensing and distance requirements thereof, is manufactured and distributed at wholesale and/or retail in a combined restaurant/brewery/micro-brewery/tavern setting. Provided that a Special Use Permit issued or withheld pursuant to the standards and requirements set out in Section 4.01.01 of the Red Bank City Code shall be precondition if the micro-brewery or brew pub use shall abut a residential zone. A micro-brewery and/or brew pub shall be defined as a business, occupying building space of 5,000 square feet or less of, where beer, as otherwise defined or regulated in Title 8 of the Red Bank City Code is brewed or manufactured for sale at retail or wholesale for off-premises consumption only, but where a tasting room with complementary sampling of such on-site produced beer is otherwise permitted as an accessory use.
- (U) Uses that are, in the judgment of the Board of Commissioners, deemed to be similar in character and impact to the above and meet the intent of this zone.
- (V) Taverns, wine and cocktail bars, brew pubs, micro-breweries and similar uses
- (W) Limited Fuel Service Facility, subject to limiting conditions:
  1. Appropriate sight and vegetative screening from adjacent residential zoned properties as required by the screening regulations set for the in Chapter IX of the Zoning Ordinance;
  2. Downward focused lighting with shading and screening of same as otherwise visible from adjoining properties and roadways, but subject to the Design Review requirements of the Zoning Ordinance;
  3. Fuel and limited automotive ancillary products only to be sold from premises, no other vehicular services or repair of any kind permitted;
  4. No more than four (4) Multi Product Dispenser (MDP) fueling positions permitted on the premises;

5. No more than one (1) self-contained retail kiosk with a maximum of 300 square feet permitted on the premises and the kiosk shall be contained under the canopy or cover provided for the fueling positions;

6. Any ancillary/rental buildings located on the property shall be utilized for non-related commercial retail uses as otherwise permitted for the C-2 zone except that convenience store, grocery store type uses shall not be permitted;

7. No outdoor storage or display of retail merchandise, vending machines, or other products are permitted on the premises;

8. No flashing signs and with all signs limited to 50,000 lumens per acre or less visible off or adjacent to premises; adhere to all other requirements of sign ordinance;

9. On premises buildings limited to 20 feet or less in height; canopy or cover for fuel pumps shall not be greater than 25 feet above grade and set back at least 25 feet from rights of way and all adjoining property lines;

10. Site plan and final design subject to the Design Review requirements of Chapter X of the Zoning Ordinance.

- (X) Outdoor display, storage or sale of merchandise 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. Permitted uses exempt from outdoor storage requirements in this Section include
- 1) Grocery stores;
  - 2) Hardware stores; Home Improvement Stores;
  - 3) Uses similar to the above in character and impact;

#### 404.03 Prohibited Uses

- (A) Adult oriented establishments, not limited to, but including night club and other late night entertainment establishments
- (B) Warehouses, storage facilities, mini-warehouses, indoor or outdoor storage facilities, climate controlled storage facilities, or any other sort of commercial storage or warehousing facility or usage
- (C) Mobile home parks
- (D) Outdoor amusement facilities

- (E) Drug, alcohol or correctional halfway houses, drug or alcohol rehabilitation centers or any similar use
- (F) Funeral homes, crematories or related uses
- (G) Car washes
- (H) New or used automobile, boat, farm equipment, motorcycle, recreational vehicle sales or dealerships or uses similar in character
- (I) Reserved
- (J) Alternative Financial Services
- (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

404.04 Height and area regulations

- (A) No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone or the M-1 Zone.
- (B) There shall be no minimum front yard requirement.
- (C) There shall be a minimum side yard requirement of not less than ten (10) feet where a permitted use adjoins a residential zone or the M-1 Zone.
- (D) There shall be a rear yard of not less than twenty-five (25) feet where a permitted use adjoins a residential zone.

404.05 Off-street parking regulations

See Section 14-406, Minimum Off-Street Parking and Loading Space Regulations

404.06 Screening Requirements

See Chapter IX, Screening Regulations.

404.07 Design Review Requirements

See Chapter X, Design Review Requirements.

SECTION 14-405. C-3 Neighborhood Commercial Zone

405.01 Intent

It is the intent of the C-3 Neighborhood Commercial Zone to promote, protect and sustain the viability of neighborhoods by allowing the development and maintenance of small commercial and service enterprises, which are both compatible with and complimentary to residential properties within the immediate vicinity. Furthermore, it is the intent of this section that all businesses located within the C-3 Neighborhood Commercial Zone shall be for retail sales, services or otherwise of such nature as to be a benefit or convenience to neighborhood residents.

#### 405.02 Location

The Location(s) of C-3 Neighborhood Commercial Zoned properties are as shown on the official zoning map for the City of Red Bank.

#### 405.03 Permitted uses

- (A) Drug Stores
- (B) Bakeries, provided all goods are sold on premise
- (C) Stationary Stores
- (D) Shoe Stores
- (E) Florist
- (F) Music Stores
- (G) Barber/Beauty Shops
- (H) Cleaning and Laundry Establishments
- (I) Repair Shops for shoes, household articles or appliances
- (J) Offices up to 5,000 square feet, unless otherwise prohibited or subject to special exception review under Section 14-405.04 or elsewhere in the Red Bank Zoning Ordinance
- (K) Studios/Galleries
- (L) Medical and Dental Clinics, up to 5,000 square feet
- (M) Specialty Shops and Stores
- (N) Taverns, Wine and Cocktail Bars, Brew Pubs, Microbreweries and similar uses.
- (O) Bed and Breakfast Establishments/Short Term Rental Units
- (P) Single Family Dwellings, except Manufactured or Mobile Homes.

- (Q) Townhomes and Condominiums
- (R) Banks
- (S) On Premise Signs Pursuant to the Sign Ordinance.
- (T) Accessory Buildings and uses customarily incident to the above uses, as defined in Section 14-204.11 Definitions.
- (U) In general, any use that is similar in character to the above uses and in keeping with the intent of the zoning district
- (V) Outdoor display and storage or sale of merchandise 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 façade of the building itself nor more than 33 1/3% of any area between the front façade 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.

405.04 Uses permitted by Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission

- (A) Daycare Centers
- (B) Offices over 5,000 square feet
- (C) Nursing Homes
- (D) Hospitals and Social Agencies
- (E) Schools, churches and other public and semi-public buildings
- (F) Assisted Living Facilities
- (G) Retail Sales unless otherwise permitted
- (H) Commercial Establishments up to 5,000 square feet
- (I) Small print shops with a floor area less than 20,000 square feet
- (J) Restaurants and other establishments serving food and alcoholic beverages
- (K) Theaters
- (L) Plumbing, electrical, radio, TV workshops and similar uses, provided no more than five (5) people are employed and equipment and trucks are

not visible from Dayton Boulevard

405.05 Permitted accessory uses and structures

Uses and structures which are customarily accessory and incidental subordinate to principal permitted uses and structures, and which do not involve operations or structures not in keeping with the intent of this section or would have an adverse effect on the character of the area surrounding zone. See section 14.204.11 relating to accessory building regulations.

405.06 Prohibited uses

- (A) Reserved
- (B) The playing of music or making of announcements directly or through mechanical or electronic devices in a manner audible at any residential lot
- (C) Adult oriented establishments of any type
- (D) Title Pawn, Check Cashing Establishments, Alternative lending services and similar uses
- (E) Automobile fueling stations
- (F) Automobile repair and/or maintenance and similar uses
- (G) Automobile sales and similar uses
- (H) Automobile washes, car detail and similar uses
- (I) Drive-thru or drive-in uses
- (J) Funeral homes, memorial chapels, crematories and undertaking
- (K) Halfway house, alcohol and drug rehabilitation centers, or any similar use
- (L) Hotels and motels
- (M) Liquor stores
- (N) Manufactured or mobile homes
- (O) Mobile home parks, campsites and similar uses
- (P) Indoor or Outdoor amusement facilities, bowling alleys
- (Q) Outdoor sales, service, or display or storage at any time, except for outdoor seating for restaurants

- (R) Storage or warehousing facilities, including self-storage or mini-warehouses or any other sort of commercial storage or warehousing facility or usage
- (S) Tattoo parlors and similar uses
- (T) Grocery Stores
- (U) Hardware Stores
- (V) Meat or Fish Markets
- (W) In general, all uses which are not in keeping with the intent of this zone

#### 405.07 Minimum yard and area requirements

- (A) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way and along any property line abutting developed residential property or residential zone.
- (B) All permitted uses are limited to a maximum of 5,000 square feet total gross floor area.
- (C) When buildings are separated; the distance between them shall be at least twenty (20) feet.

#### 405.08 Height requirements

- (A) No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone.
- (B) Front yards shall meet the minimum and maximum requirements established in Section 405.07 (A).
- (C) There shall be a minimum side yard requirement of not less than ten (10) feet where a permitted use adjoins a residential zone.
- (D) There shall be a rear yard of not less than twenty-five (25) feet where a permitted use adjoins a residential zone.
- (E) There shall be a minimum house size of one thousand and four hundred (1,400) square feet.

#### 405.09 Visibility at access points

No structure, landscaping, fence, terrace or other natural or artificial feature adjacent to any street shall obscure or impair visibility from or of any approaching vehicular traffic.

405.10 Screening Requirements

See Chapter IX, Screening Regulations

405.11 Design Review Requirements

See Chapter X, Design Review Regulations

SECTION 14-406. Minimum Off-Street Parking and Loading Space Regulations

(Ordinance No. 12-981, December 4, 2012)

406.01 Off-Street Parking and Loading Space Requirements

Off-street parking and loading space shall be provided on the same lot as, or a lot adjacent to, the structure or use in accordance with the following requirements:

- (A) For motels, tourist courts, and tourist homes, one (1) parking space for every guest room or unit plus one (1) space for every innkeeper's dwelling.
- (B) For churches there shall be one (1) space for every three (3) seats in the largest chapel or auditorium.
- (C) For restaurants, delicatessens and other eating establishments, there shall be one (1) parking space for every three (3) seats.
- (D) Principal parking requirements for retail uses in the Commercial Zone will be 4 spaces for each 1,000 square feet of gross leasable space for all buildings or commercial centers of less than 25,000 square feet and for buildings/centers over 25,000 square feet of gross leasable space in the Commercial Zone, the requirements will be 5 spaces for each 1,000 square feet. Parking spaces are not required for detached warehouse facilities that are attendant to the principal commercial use.
- (E) Handicapped parking shall meet the current ADA standards.
- (F) Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the zone are open for business.
- (G) All off-street parking and loading space shall be subject to review and approval by the City Manager or his/her designee and shall be so located, improved, illuminated, operated and maintained as to provide safe and convenient circulation on the premise and to and from adjacent streets, and to minimize potential frictions with adjoining property.
- (H) For business operations which involve a combination of uses such as warehousing and wholesaling along with retailing or other permitted uses, total required parking may be determined by measuring the amount of floor space within the business structure that is devoted to each separate use

and calculating the need based upon the specific parking requirements as set forth in the various uses in this section and elsewhere in this Ordinance. Parking requirements calculated in this manner shall be subject to review and approval by the City Manager or his/her designee prior to issuance of any building or occupancy permit.

- (I) For all other permitted uses of one (1) or two (2) stories, there shall be five (5) parking spaces for each 1,000 square feet of gross leasable floor area. For all other permitted uses of three (3) or more stories, there shall be four (4) parking spaces for each 1,000 square feet of gross leasable floor area.
- (J) Parking Requirement Reduction – The Planning Commission may approve a site plan with fewer off-street parking spaces that generally required by this section. In evaluating such requests, the Planning Commission shall determine if the proposed commercial use, projected parking demand, shared parking arrangements, or other factors justify a reduction in the parking requirements. Planning staff shall review all proposed parking reductions and submit recommendations thereon to the Planning Commission.
- (K) Shared Parking – Parking may be shared between different entities if a suitable joint-use agreement is approved by the Planning Commission. A developer may share parking with another business or entity through a negotiated joint use agreement that meets the total parking requirements of the entities involved and if approved by the Planning Commission.

#### SECTION 14-407. Outdoor Display and Storage

(Ordinance No. 14-1004, June 3, 2014)

##### 407.01 Outdoor Display and Storage

During lawful business hours and when actually open for business, any person, business or entity which is otherwise lawfully operating in a commercial zone, as otherwise provided in the Red Bank Zoning Ordinance(s) may display and offer for sale otherwise lawful merchandise outside the building(s) located upon the premises so long as the same shall be displayed and/or offered for sale on the private property of such person or business operating thereon and not on the public right-of-way, and no person shall display or store such merchandise outside the building premises at any time when such business is not actually open for business to the public unless the same shall be enclosed in and by a sight obscuring fence together with evergreen landscaping, which fence and evergreen landscaping shall be at least eight (8) feet high and which fence and evergreen landscaping shall be located at least five (5) feet from the public right-of-way or, unless the same shall be stored and fully enclosed within a fence (whether or not sight obscuring) together with evergreen landscaping, which fence and evergreen landscaping shall be at least four (4) feet in height and which fence and landscaping shall be set back, at all points, at least twenty (20) feet from the public right-of-way and which fence and landscape display or storage area

shall be entirely separate from the code compliant parking facility on said premises.

## **CHAPTER V. INDUSTRIAL ZONES**

### **SECTION 14-501. L-1 Light Manufacturing Zone**

#### 501.01 Permitted Uses

- (A) Bakeries
- (B) Bottling works
- (C) Building material yards and contractor's yards
- (D) Cabinet making, millwork, and carpenter's shops
- (E) Clothing manufacturers
- (F) Dyeing and dry cleaning works
- (G) Electric welding, machine, and tinsmith shops
- (H) Feed storage establishments
- (I) Fruit canning or packing establishments
- (J) Ice plants
- (K) Laundries
- (L) Milk distributing stations
- (M) Optical goods establishments
- (N) Paper box and pencil manufacturing establishments
- (O) Printing, publications, and engraving establishments
- (P) Warehouses and trucking terminals, outdoor storage and display, self-storage facilities provided that any outdoor storage facilities which abut any residential zone shall be screened pursuant to the screening requirements listed in Chapter IX of the Zoning Ordinance
- (Q) Fuel yards, except that such use shall require a Special Exceptions Permit to be issued by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

- (R) A residence for a watchman and family except that such use shall require a Special Exceptions Permit from the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (S) Adult Oriented Establishments subject to issuance of a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.

501.02 Height and Area Regulations

- (A) The height shall not exceed three stories or forty-five (45) feet.
- (B) There shall be a front yard of not less than fifty (50) feet.
- (C) There shall be a rear yard of not less than twenty-five (25) feet where the permitted use adjoins a residential zone.
- (D) There shall be a side yard on each side of the building of not less than fifteen (15) feet where the permitted use adjoins a residential zone.

501.03 Off-Street Parking Regulations

- (A) One parking space for every three employees
- (B) Each permitted establishment shall have loading space provided. The amount and design of each loading space shall be in accordance with the requirements of the City Manager or his/her designee.
- (C) Off-street parking on lots in the R-2, R-3, and R-4 Residential Zones shall be permitted when such lots are adjacent to an L-1 Zone provided plans for such off-street parking are approved by the City Manager or his/her designee, and are issued a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission. Such plan shall also provide for the paving of all driveways and parking areas and adequate drainage in the lots. In each case, it shall find that the use where proposed will be in harmony with general intent and purpose of the Zoning Ordinance and shall require such yard requirements, screening, landscaping, ingress and egress controls, sign controls, as may be needed to assure reasonable controls so as to make the conditional property be compatible with surrounding property uses.

501.04 Access Control

As regulated in Section 14-204.07 of this ordinance.

501.05 Screening Requirements

See Chapter IX, Screening Regulations.

501.06 Design Review Requirements

See Chapter X, Design Review Regulations.

501.08 Any new development, re-development or change of use shall be subject to the requirements of Chapter IX, Screening Requirements and Chapter X, Design Review Requirements.

SECTION 14-502. M-1 Manufacturing Zone

502.01 Use Regulations

- (A) The following uses shall be prohibited:
  - 1) Dwellings, except watchmen's house;
  - 2) Cemeteries;
  - 3) Commercial establishments.
  
- (B) The following uses shall be located at least 1,000 feet from the nearest boundary of the R-4 Special Zone, or any Residential Zone:
  - 1) Blast furnace
  - 2) Boiler works
  - 3) Coal screening and sieving plants
  - 4) Contractors plants and storage yards
  - 5) Forge plants
  - 6) Foundries
  - 7) Junk yards
  - 8) Ore reduction
  - 9) Planing mills
  - 10) Rock crushers
  - 11) Rolling mills
  - 12) Sawmills

- 13) Smelting
  - 14) Stockyards
  - 15) Stone mills or quarries
  - 16) Adult Oriented Establishments subject to issuance of a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission.
- (C) Any other lawful use shall be permitted anywhere in the district except that Commercial Hazardous Waste and Commercial Medical Waste Management Facilities shall be subject to the provisions of Chapter VIII of this Ordinance.
- (D) Any use shall comply with the American Insurance Association Fire Prevention Code of the City of Red Bank with regard to fire and explosion hazards.
- (E) Any use shall be so operated as to not create excessive smoke, dust, fly-ash, fumes or odor.
- (F) Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard.
- (G) At no point on the boundary of a residential district shall the sound pressure level of any individual operation or plant other than background noise produced by sources not under the control of this ordinance, such as the operation of motor vehicles, etc., exceed the decibel levels in the designated octave bands shown in the following:

| <b>Table 14-502.01 Sound Pressure Levels</b> |                                |
|--|--------------------------------|
| <b>Octave</b>                                | <b>Maximum Permitted Sound</b> |
| <b>Cycles per Second</b>                     | <b>Level in Decibels</b>       |
| 0 - 75                                       | 72                             |
| 75 - 150                                     | 67                             |
| 150 - 300                                    | 59                             |
| 300 - 600                                    | 52                             |
| 600 - 1200                                   | 46                             |
| 1200 - 2400                                  | 40                             |
| 2400 - 4800                                  | 34                             |
| Above 4800                                   | 32                             |

- (H) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the

flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards described above, provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured shall be those noises that cause rapid fluctuation of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjoining uses.

- (I) Any use or portion thereof, creating intense earthshaking vibrations such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least three hundred (300) feet from all lot lines on all sides unless such operation is controlled in such manner as to prevent transmission beyond the lot line of earthshaking vibrations perceptible without the aid of instruments.

#### 502.02 Height and Area Regulations

- (A) No building shall exceed thirty-five (35) feet in height except that a building may exceed thirty-five (35) feet in height provided either than for every foot of additional height over thirty-five (35) feet the building shall be set back one addition foot from all property lines; or that if any point on the exterior surface of the building is above thirty-five (35) feet in height, the vertical projection of such point upon the ground shall not be nearer to any property line than a ground.
- (B) There is no minimum lot size.
- (C) There shall be a front yard of not less than twenty-five (25) feet.
- (D) There shall be a side yard on each side of the building of not less than ten (10) feet, except where the permitted use adjoins a residential zone then the side yard shall be twenty-five (25) feet.
- (E) There shall be a rear yard of not less than twenty-five (25) feet.

#### 502.03 Off-Street Parking Regulations

- (A) One parking space for every three (3) employees
- (B) Each permitted establishment shall have one loading space provided. The amount and design of each loading space shall be in accordance with the standards of the City Manager or his/her designee.
- (C) Off-street parking on lots in the R-2, R-3, and R-4 Residential Zones shall be permitted when such lots are adjacent to an L-1 Zone provided plans for such off-street parking are approved by the City Manager or his/her

designee, and are issued a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission. Such plan shall also provide for the paving of all driveways and parking areas and adequate drainage in the lots. In each case, it shall find that the use where proposed will be in harmony with general intent and purpose of the Zoning Ordinance and shall require such yard requirements, screening, landscaping, ingress and egress controls, sign controls, as may be needed to assure reasonable controls so as to make the conditional property be compatible with surrounding property uses.

502.04 Access Control

As regulated in Section 14-204.08 of this ordinance.

502.05 Screening Requirements

See Chapter IX, Screening Regulations

502.06 Design Review Requirements

See Chapter X, Design Review Regulations

502.08 Any new development, re-development or change of use shall be subject to the requirements of Chapter IX, Screening Requirements and Chapter X, Design Review Requirements.

**CHAPTER VI. FLOOD DAMAGE PREVENTION**

(Ordinance No. 11-959, March 5, 2011)

**SECTION 14-601. Statutory Authorization, Findings of Fact, Purpose and Objectives**

601.01 Statutory Authorization

**The Legislature of the State of Tennessee has in Tennessee Code Annotated Section 6-19-101 Delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Red Bank, Tennessee, Mayor and its Legislative Body do ordain as follows:**

601.02 Findings of Fact

- (A) The **City of Red Bank**, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
- (B) Areas of the City of Red Bank, Tennessee are subject to periodic inundation that could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the

tax base, all of which adversely affect the public health, safety and general welfare.

- (C) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

#### 601.03 Statement of Purpose

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. This section is designed to:

- (A) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- (B) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (D) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### 601.04 Objectives

The objectives of this section are:

- (A) To protect human life, health, safety and property;
- (B) To minimize expenditure of public funds for costly flood control projects;
- (C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) To minimize prolonged business interruptions;
- (E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;

- (F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
- (G) To ensure that potential homebuyers are notified that property is in a flood prone area;
- (H) To maintain eligibility for participation in the NFIP.

SECTION 14-602. Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted as to give them the meaning they have in common usage and to give this section its most reasonable application given its stated purpose and objectives.

- (A) Accessory Structure - a subordinate structure to the principal structure on the same lot and, for the purpose of this section, shall conform to the following:
  - 1) Accessory structures shall only be used for parking of vehicles and storage.
  - 2) Accessory structures shall be designed to have low flood damage potential.
  - 3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
  - 4) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
  - 5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.
- (B) Addition (to an existing building) - any walled and roofed expansion to the perimeter or height of a building.
- (C) Appeal - a request for a review of the local enforcement officer's interpretation of any provision of this section or a request for a variance.
- (D) Area of Shallow Flooding - a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (E) Area of Special Flood-related Erosion Hazard - the land within a community that is most likely to be subject to severe flood-related erosion losses. The

area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

- (F) Area of Special Flood Hazard - see Special Flood Hazard Area.
- (G) Base Flood - the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.
- (H) Basement - any portion of a building having its floor subgrade (below ground level) on all sides.
- (I) Building - see Structure.
- (J) Development - any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.
- (K) Elevated Building - a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
- (L) Emergency Flood Insurance Program or Emergency Program - the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.
- (M) Erosion - the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.
- (N) Exception - a waiver from the provisions of this Section that relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Section.
- (O) Existing Construction - any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.
- (P) Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

- (Q) Existing Structures - see Existing Construction.
- (R) Expansion to an Existing Manufactured Home Park or Subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (S) Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1) The overflow of inland or tidal waters.
  - 2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (T) Flood Elevation Determination - a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- (U) Flood Elevation Study - an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.
- (V) Flood Hazard Boundary Map (FHBM) - an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.
- (W) Flood Insurance Rate Map (FIRM) - an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.
- (X) Flood Insurance Study - the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.
- (Y) Floodplain or Floodprone Area - any land area susceptible to being inundated by water from any source (see definition of "flooding").
- (Z) Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- (AA) Flood Protection System - those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

- (BB) Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.
- (CC) Flood-related Erosion - the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.
- (DD) Flood-related Erosion Area or Flood-related Erosion Prone Area - a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.
- (EE) Flood-related Erosion Area Management - the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.
- (FF) Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (GG) Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.
- (HH) Functionally Dependent Use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- (II) Highest Adjacent Grade - the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.
- (JJ) Historic Structure - any structure that is:
- 1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- 2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - 3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - 4) Individually listed on the City of Red Bank, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
    - a) By the approved Tennessee program as determined by the Secretary of the Interior or
    - b) Directly by the Secretary of the Interior.
- (KK) Levee - a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- (LL) Levee System - a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (MM) Lowest Floor - the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- (NN) Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".
- (OO) Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (PP) Map - the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.
- (QQ) Mean Sea Level - the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

- (RR) National Geodetic Vertical Datum (NGVD) - as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.
- (SS) New Construction - any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.
- (TT) New Manufactured Home Park or Subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.
- (UU) North American Vertical Datum (NAVD) -, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.
- (VV) 100-year Flood - see Base Flood.
- (WW) Person - includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.
- (XX) Reasonably Safe from Flooding - base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.
- (YY) Recreational Vehicle - a vehicle which is:
- 1) Built on a single chassis;
  - 2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - 3) Designed to be self-propelled or permanently towable by a light duty truck;
  - 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (ZZ) Regulatory Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (AAA) Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

- (BBB) Special Flood Hazard Area - the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.
- (CCC) Special Hazard Area - an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.
- (DDD) Start of Construction - includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (EEE) State Coordinating Agency - the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.
- (FFF) Structure - for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- (GGG) Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
- (HHH) Substantial Improvement - any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

- (III) Substantially Improved Existing Manufactured Home Parks or Subdivisions - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.
- (JJJ) Variance - a grant of relief from the requirements of this Ordinance.
- (KKK) Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.
- (LLL) Water Surface Elevation - the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas

#### SECTION 14-603. General Provisions

##### 603.01 Application

This Ordinance shall apply to all areas within the incorporated area of the City of Red Bank, Tennessee.

##### 603.02 Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Red Bank, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 3, 2016, and Flood Insurance Rate Map (FIRM), Community 470076, Panel Number(s) 47065C0218G, 47065C0219G, 47065C0327G, 47065C0329G, 47065C0331G, 47065C0332G, and 47065C033G, dated February 3, 2016, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

##### 603.03 Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities. These regulations shall apply to all areas within the incorporated area of the City of Red Bank, Tennessee.

##### 603.04 Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

603.05 Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

603.06 Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

603.07 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Red Bank, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

603.08 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Red Bank, Tennessee from taking such other lawful actions to prevent or remedy any violation.

SECTION 14-604. Administration

604.01 Designation of Ordinance Administrator

The Director of Public Works is hereby appointed as the Administrator to implement the provisions of this Ordinance.

604.02 Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the City of Red Bank prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

(A) Application stage

- 1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- 2) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- 3) A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(B) Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately, and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

#### 604.03 Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

- (A) Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (B) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (C) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- (D) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (E) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (F) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 14-604.02.
- (G) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 14-604.02.
- (H) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 14-604.02.
- (I) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

- (J) When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Red Bank, Tennessee FIRM meet the requirements of this Ordinance.
- (K) Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

## SECTION 14-605. Provisions for Flood Hazard Reduction

### 605.01 General Standards

In all areas of special flood hazard, the following provisions are required:

- (A) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (B) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
- (C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (E) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (I) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;

- (J) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
- (K) All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
- (L) All subdivision proposals and other proposed new development proposals shall meet the standards of Section 14-605.02;
- (M) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
- (N) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

#### 605.02 Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 14-605.01, are required:

##### (A) Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

##### (B) Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of

the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 14-604.02.

(C) Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- 1) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - a) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - b) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
  - c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- 2) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- 3) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 14-605.02.

(D) Standards for Manufactured Homes and Recreational Vehicles

- 1) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- 2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - a) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - b) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 14-602).
- 3) Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Section 14-605.01 and 14-605.02.
- 4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- 5) All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - 1) Be on the site for fewer than 180 consecutive days;
  - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - 3) The recreational vehicle must meet all the requirements for new construction.

(E) Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- 1) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- 2) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- 3) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 4) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 14-605.04).

605.03 Standards for Special Flood Hazard Areas with Established Base Flood Elevations and with Floodways Designated

Located within the Special Flood Hazard Areas established in Section 14-603.02, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (A) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Red Bank, Tennessee and certification, thereof.
- (B) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 14-605.01 and 14-605.02.

605.04 Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Section 14-603.02, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- (A) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (B) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 14-605.01 and 14-605.02.

605.05 Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Section 14-603.02, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- (A) The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see B below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Sections 14-605.01 and 14-605.02.
- (B) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
- (C) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 14-602). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 14-604.02. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 14-605.02.
- (D) Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Red Bank, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- (E) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 14-605.01 and 14-605.02. Within approximate A Zones, require that those subsections of Section 14-605.02 dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

#### 605.06 Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Section 14-603.02, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Sections 14-605.01 and 14-605.02, apply:

- (A) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 14-605.02.
- (B) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 14-604.02.
- (C) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

#### 605.07 Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Section 14-603.02, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 14-604 and Section 14-605 shall apply.

## 605.08 Standards for Unmapped Streams

Located within the City of Red Bank, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

- (A) No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
- (B) When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 14-604 and 14-605.

## SECTION 14-606. Variance Procedures

### 606.01 Board of Floodplain Review

#### (A) Creation and Appointment

A Board of Floodplain Review is hereby established which shall consist of three (3) members appointed by the City Manager subject to consent and approval of the Red Bank City Commission. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Floodplain Review shall be terms of one, two, and three years, respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer. All appointments shall not be compensated.

#### (B) Procedure

Meetings of the Board of Floodplain Review shall be held at such times, as the Board shall determine. All meetings of the Board of Floodplain Review shall be open to the public. The Board of Floodplain Review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record.

#### (C) Appeals: How Taken

An appeal to the Board of Floodplain Review may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Board of Floodplain Review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of one hundred dollars (\$100.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Floodplain

Review all papers constituting the record upon which the appeal action was taken. The Board of Floodplain Review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than fifteen (15) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

(D) Powers

The Board of Floodplain Review shall have the following powers:

1) Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

2) Variance Procedures

In the case of a request for a variance the following shall apply:

- a) The City of Red Bank, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- b) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.

3) In passing upon such applications, the Board of Floodplain Review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- a) The danger that materials may be swept onto other property to the injury of others;
- b) The danger to life and property due to flooding or erosion;
- c) The susceptibility of the proposed facility and its contents to flood damage;
- d) The importance of the services provided by the proposed facility to the community;
- e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
- f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
  - 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

#### 606.02 Conditions for Variances

- (A) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 14-606.01.
- (B) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (C) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- (D) The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

### SECTION 14-607. Legal Status Provisions

#### 607.01 Conflict with Other Ordinances

In case of conflict between this Section or any part thereof, and the whole or part of any existing or future Ordinance of the City of Red Bank, Tennessee, the most restrictive shall in all cases apply.

### **CHAPTER VII. ADULT-ORIENTED ESTABLISHMENT**

(Ordinance No. 534, October 8, 1986)

For Adult-oriented establishments in the L-1, and M-1 zones provided that the use meets the following definitions, conditions, restrictions, and other provisions:

SECTION 14-701. Definitions

701.01 Definitions. For the purpose of these regulations, certain terms and words shall be defined as follows:

- (A) Adult - any person who is eighteen (18) years of age or older.
- (B) Adult-Oriented Establishments - Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to: adult bookstores, adult motion picture theaters, cabarets, massage parlors, and other enterprises which regularly feature materials, acts or displays involving complete nudity or exposure of the "Specified Anatomical Areas" herein below defined and/or sexual excitement or enticement.
- (C) Adult Book Store - An establishment having as a substantial or significant portion of its stock in trade, books, magazines, motion pictures, periodicals and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Anatomical Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such materials.
- (D) Adult Motion Picture Theater - Any public place, whether open or enclosed, used for presenting material distinguished or characterized an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observation by patrons therein. Cabaret - Any restaurant, bar, dance hall, nightclub or other such place which features exotic dancers, go-go dancers, strippers, male or female impersonators or similar entertainers.
- (E) Massage Parlors - Any premises, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage, a bath, body painting, or similar massage services or procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a duly licenses physical surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barbershop or beauty salon operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.
- (F) Massage - Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part of the whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage

shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, body paint, or other such embrocation to any person.

- (G) Minor - Any person less than 18 years of age.
- (H) Public Place - Shall mean any place to which the public or a substantial group of persons has access and congregation, regardless of whether admission is charged therefor, and includes, but is not limited to: Businesses open to the public, highways; transportation facilities; schools, places or amusement, parks, playgrounds; hotels; theaters, auditoriums; restaurants; nightclubs; cocktail lounges; and burlesque houses.
- (I) School - An academic learning center, whether public or private, from the level of nursery through twelfth grade.
- (J) "Specified Sexual Activities" -
  - 1) Human genitals in a state of actual or simulated sexual stimulation or arousal.
  - 2) Acts of actual or simulated human masturbation, sexual intercourse or sodomy.
  - 3) Actual or simulated fondling or other erotic touching of human genitals, public region, buttock, or female breast.
- (K) "Specified Anatomical Areas" -

Less than completely and opaquely covered:

  - 1) Human genitals, pubic region
  - 2) Buttock
  - 3) Female breast below a point immediately above the top of the areola
- (L) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SECTION 14-702. Restrictions.

702.01 Adult-oriented establishments, as defined above, are absolutely and expressly prohibited from all parts of the City, except those portions zoned L-1 and M-1. Furthermore, the location and operation of adult-oriented establishments within the above specified zones will not be permitted unless a special permit is obtained from the Red Bank City Commission subject to the following additional restriction.

#### SECTION 14-703. Special Permit Restrictions for Adult-Oriented Establishments

703.01 In no case shall an adult-oriented establishment be permitted to locate within five hundred (500) feet from any boundary of any R-1, R-1A, R-1 Open Space, R-2, R-3, R-4, R-5, PUD, RT-1, RT-Z or RT/Z Zone or within 500 feet of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred (500) feet from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above-mentioned uses.

#### SECTION 14-704. Evaluation

704.01 For the purpose of enforcing the regulations of this action, it shall be the responsibility of the Planning Commission to evaluate and advise the Board of Commissioners regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission staff for use in making a thorough evaluation of the proposal.

#### SECTION 14-705. Revocation and Hearing

705.01 Expansion, relocation, substantial misrepresentation, violation of any of the terms of this ordinance or change in dominate sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit after notice and hearing. Notice of the hearing before the Red Bank Board of Commissioners for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing.

#### SECTION 14-706. Adult-Oriented Establishments – Unlawful Acts

706.01 It shall be unlawful for any person to own, manage, or operate an adult-oriented establishment in any zone other than L-1, and M-1, or to own, manage, or operate such an establishment without obtaining a special permit as hereinabove required.

#### SECTION 14-707. Enforcement

707.01 The provisions set forth in these Regulations are hereby adopted and become a part hereof as though specifically copied herein.

SECTION 14-708. Status of Pre-Existing Adult-Oriented Establishment

708.01 Adult-oriented establishments existing prior to the date of adoption of this section may continue in operation, subject to all restrictions on non-conforming uses, as specified in Section 14-205 of these regulations provided that such pre-existing uses shall obtain special permits within ninety (90) days, said permits shall be granted as a matter of right.

**CHAPTER VIII. HAZARDOUS WASTE REGULATIONS**

[Ordinance No. 93-661, December 21, 1993]

SECTION 14-801. Intent

801.01 It is the purpose of this Chapter to establish reasonable regulations of all commercial hazardous waste management facilities and commercial medical waste facilities, relative to appropriateness of location and method of operation in order to minimize the impact on the community adjacent to and surrounding such uses and to assure and maintain the public safety and general welfare. This basic purpose can and should be achieved without precluding or discouraging the following objectives: (1) encourage innovation and the use of new technologies for waste minimization, storage and disposal, (2) increase collaborative activities among area industries which have common environmental concerns, and (3) facilitate access to international markets for products and technologies related to the environment while at the same time giving due concern for the environment, health and safety of the citizens of the City of Red Bank, Tennessee.

It is the further intent of the City of Red Bank to encourage the recycling, reclamation, and reuse of materials so as to remove such materials from the solid and hazardous waste stream. To this end, the City encourages the State and Federal governments to revise their rules and regulations to encourage such recycling, reclamation and reuse, after which the City shall consider similar revisions.

SECTION 14-802. Definitions

802.01 Definitions

- (A) Commercial Hazardous Waste Management Facility: any hazardous waste management facility proposed for a new site, or through a change of operations at an existing site within this jurisdiction that stores, treats (including incineration), or disposes of hazardous waste, of which, more than twenty-five percent (25%) by volume was generated off-site during

either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated off-site at the receiving facility during the corresponding time period of the preceding calendar year.

- (B) Generate: the act or process of producing hazardous wastes or medical wastes.
- (C) Off-Site: any property that is not classified as on-site by these regulations.
- (D) On-Site: on the site of generation. "On-site" further means the same or geographically contiguous property that may be divided by public or private right(s)-of-way. Noncontiguous property owned by the hazardous waste generator that is connected by a right-of-way that such hazardous waste generator controls and to which the public does not have access is also considered on-site property.
- (E) Hazardous Waste: a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical chemical, or infectious characteristics may:
  - 1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
  - 2) pose a substantial present or potential hazard to human health or
  - 3) the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (F) Commercial Medical Waste Management Facilities: any medical waste management facility proposed for a new site or through a change of operations at an existing site within this jurisdiction used for treatment (including incineration), storage or disposal of any medical waste generated off-site, except that a facility that receives medical waste that is generated only at a site or sites owned or operated by the same corporation, or subsidiaries of such corporation, or sites under contract to such corporation for medical wastes generated by the corporation shall not be deemed to be a commercial medical waste management facility provided that the volume of medical waste received from such sites and placed in storage for more than one calendar month does not exceed twenty-five percent (25%) of the storage capacity at the designated accumulation area of the facility, referred to at the definition of "storage" in Title 40 CFR 259.10(a), Revised as of July 1, 1991, regarding Standards for the Tracking and Management of Medical Waste, and identified as required in Chapter VIII, Section 102 of this zoning Ordinance, and provided that during no calendar month may more than twenty-five percent (25%) of the total medical waste treated or disposed at the facility be from such sites, and the facility shall maintain records available for public inspection for two (2) years to demonstrate compliance.

- (G) Medical Waste: solid or liquid wastes that contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease. All of the following types of wastes shall be considered to be medical wastes for the purposes of these regulations:
- 1) Biological wastes and discarded materials contaminated with blood, excretion, exudates, or secretions from patients who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and
  - 2) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; and
  - 3) Human pathological wastes, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers; and
  - 4) Liquid waste human blood; products of blood; items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals; and intravenous bags; and
  - 5) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips; and
  - 6) Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals; and
  - 7) The following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

- (H) Storage: holding hazardous waste or medical waste for a period of more than ninety (90) days, at the end of which the hazardous waste or medical waste is treated, disposed of, or stored elsewhere. A commercial hazardous waste management facility or a commercial medical waste management facility shall not be subject to the ninety days restriction for the purposes of this definition and these zoning regulations if it either:
- 1) Generates more than 100 kilograms and less than 1000 kilograms of hazardous waste or medical waste in a calendar month; and the quantity of waste accumulated on-site never exceeds 6000 kilograms; and the facility has complied with all other applicable provisions of 40 CFR 262.34(d), in which case accumulation onsite would constitute "storage" after 180 days.
  - 2) In addition, if such a facility must transport its hazardous waste or medical waste or offer them for transportation over a distance of 200 miles or more for off-site treatment, storage or disposal, then accumulation on-site would constitute "storage" after 270 days; or
  - 3) Generates less than 100 kilograms of hazardous waste or medical waste in a calendar month; and generates one (1) kilogram or less of acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and generates 100 kilograms or less of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and the quantity of hazardous or medical waste accumulated onsite never exceeds 1000 kilograms; and the facility has complied with all other applicable provisions of 40 CFR 261.5, in which case accumulation on-site could continue indefinitely at a facility that is not otherwise a "commercial hazardous waste facility" or a "commercial medical waste facility" for the purposes of this Zoning Ordinance.
- (I) Construction: in general, initiation of physical on-site construction activities on a management unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. With respect to a change in the method of operation this term refers to those on-site activities, other than preparation activities, which mark the initiation of the change.
- (J) 100-Year Floodplain: any land area which is subject to a one percent or greater chance of flooding in any given year from any source as defined in 44 Code of Federal Regulations Part 67, Final Flood Elevation Determinations and as effective on the date of issuance of the Flood Insurance Rate Map showing the 100-year flood elevations for the community.

- (K) 500-Year Floodplain: any land area which is subject to a two tenths chance in one hundred (one chance in five hundred) of being flooded in any one-year period as shown on the Flood Insurance Rate Map.
- (L) Flood Hazard Boundary Map: an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been designated. For the purposes of this Ordinance the floodplains are identified by FEMA in its Flood Boundary and Floodway Maps Number 470076 0001B and 470047 0002B, date September 5, 1990. One copy of the maps shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination.
- (M) Flood Insurance Rate Map: an official map of a community, on which the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Insurance Rate Maps Numbers 470076 0001B and 470047 0002B, dated September 5, 1990. One copy of the maps shall be filed in the office of the Red Bank City Manager for public use, inspection and examination.
- (N) Bedrock: the solid rock underlying unconsolidated surface material such as soil.
- (O) Fault: a fracture along which strata on one side have been displaced with respect to that on the other, as shown on the East Central Sheet, Geologic Map of Tennessee, 1966, William D. Hardeman, State Geologist, compiled and edited by George D. Swingle, Robert A. Miller, Edward T. Luther, William D. Hardeman, Donald S. Fullerton, C. Ronald Sykes, and R. Keith Garman. One (1) copy of this map shall be filed in the office of the Red Bank City Manager for public use, inspection and examination.
- (P) Thrust Fault: a reverse fault in which the dip of the fault plane is at a low angle to horizontal and in which the hanging wall block (or upper plate) may have overridden the footwall block (or lower plate).
- (Q) Hanging Wall Block: the overlying surface of an inclined fault plane.
- (R) Footwall Block: the underlying surface of an inclined fault plane.
- (S) Sinkhole: a hollow in a limestone region in which drainage collects that communicates with a cavern or passage.
- (T) Private Water Supply: all water supplies that are not public water supplies and which are primary drinking water sources.
- (U) Public Water Supply: a system that supplies to the public piped water for human consumption, if such system has at least fifteen (15) service

connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year.

- (V) Scenic, Cultural or Recreational Area: parks, forests, recreational areas, natural areas, museums, and wildlife management areas owned and/or operated by the Federal, State, and or local government (or agencies created by such government); sites included on the National Register of Historic Places established by the United States Department of Interior or forwarded for consideration for National Register listing to the United States Department of Interior by the Tennessee State Historical Commission State Review Board.
  
- (W) Unit: a contiguous area of land on or in which hazardous or medical waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.
  
- (X) Land-Based Unit: a unit subject to regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste including surface impoundments, landfills, waste piles, land treatment units, and hazardous waste management units. Units exempt from groundwater monitoring correction requirements under regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste and covered indoor waste piles in compliance with regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste are considered non-land-based units.
  
- (Y) Non-Land-Based Unit: an incinerator, tank and its associated piping and underlying containment system, or container storage area, hazardous waste management units and other similar units that are not subject to regulations for land-based units promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste.
  
- (Z) Unstable Area: a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of a commercial hazardous waste or medical waste treatment or storage facility's structural components responsible for preventing releases, including:
  - 1) subsidence prone areas (i.e., areas subject to the lowering or collapse of the land surface either locally or over broad regional areas);
  - 2) areas susceptible to mass movement (i.e., where the downslope movement of soil and rock under gravitational influence occurs);

- 3) areas with weak and unstable soils (e.g., soils that lose their ability to support foundations as a result of expansion or shrinkage).
- (AA) Wetlands: lands that have hydric soils and a dominance (fifty percent [50%] or more of stem count based on communities) of obligate hydrophytes. They include the following generic types:
- 1) Fresh water meadows
  - 2) Shallow fresh water marshes
  - 3) Shrub swamps with semi-permanent water regimes most of the year
  - 4) Wooded swamps or forested wetlands
  - 5) Open fresh water except farm ponds
  - 6) Bogs

#### SECTION 14-803. Identification of Storage Areas

803.01 A new or rebuilt facility, or an expanded portion of an existing facility, or any facility which changes its operations, proposed for use as a "commercial medical waste management facility", as defined in these zoning regulations notwithstanding the exclusions within the definition, shall be required, in both its building permit application prior to construction or reconstruction and in any required installation permit at the Chattanooga-Hamilton County Air Pollution Control Bureau, to identify in writing on its building and operating plans any and all portions of the proposed facility or portion of an existing facility through a change in operations or expanded portion of an existing facility proposed for "storage", as defined in these zoning regulations notwithstanding the exclusions within the definition. Such identification of storage areas shall include the total cubic footage designated for accumulation of medical wastes at the "commercial medical waste management facility", as defined in these zoning regulations notwithstanding the exclusions within the definition.

#### SECTION 14-804. Prohibited Uses

##### 804.01 Prohibited Uses

- (A) No commercial hazardous waste management facility or commercial medical waste management facility unit shall be allowed to be constructed within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. This restriction shall also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility"

through a change in operations that does not involve constructing or reconstructing a building, so that such facility may not operate a commercial hazardous waste management facility or a commercial medical waste management facility within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map.

Any construction, alteration, repair, reconstruction, or improvement to a commercial hazardous waste management facility or commercial medical waste management facility on which the start of construction was begun after the effective date of these regulations shall meet all applicable requirements for new construction as contained in these regulations, except as provided in the next sentence.

Any commercial hazardous waste management facility unit or commercial medical waste management facility unit in existence prior to the effective date of this requirement that is hereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value may be reconstructed and used as before only if it is rebuilt in a manner that complies with all requirements in effect on the date the rebuilding commences and operates in that rebuilt portion of the unit in a manner that complies with all requirements in effect on the date that operation commences in the rebuilt commercial hazardous waste management facility unit or commercial medical waste management facility unit. In addition, the following requirements must be met:

- 1) The reconstruction must not exceed the volume and external dimensions of the original structure or offer any greater obstruction to the flow of flood waters within the 500-year floodplain than did the original structure; and
- 2) The lowest floor elevation (including basement) must be above the level of the 500-year floodplain or the structure must be floodproofed to a height above the level of the 500-year floodplain. Floodproofing measures shall be in accordance with the watertight performance standards of the publication Flood-Proofed Regulations prepared by the Office of the Chief of U. S. Army Corps of Engineers, Washington, D.C. dated March 31, 1992, which is hereby incorporated by reference as if fully set forth herein. One (1) copy of this document has been filed in the office of the City Clerk at least fifteen (15) days prior to adoption of these amendments to the Chattanooga Zoning Ordinance for public use, inspection and examination; and
- 3) The reconstruction must commence within twelve (12) months after the damage first occurs, and the reconstruction must be completed within twenty-four (24) months after the damage first occurs. In the event of fire, flood, labor dispute, epidemic, abnormal weather conditions or acts of God, the reconstruction commencement time period and/or the reconstruction

completion period will be extended in an amount equal to time lost due to delays beyond the control of the owner or operator of the facility subject to this requirement.

These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit in existence prior to the effective date of these regulations that proposes to expand after the effective date of these regulations to the expanded portion of the facility. These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit which is built subsequent to the adoption of these zoning regulations and thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

These requirements also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, which is thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

804.02 Proximity of Commercial Hazardous Waste or Commercial Medical Waste Management Facilities to Other Uses. All distances are to be measured from the "unit" as defined in this zoning ordinance to the nearest point of the property boundary line of the other land use.

(A) Groundwater and Public Drinking Water Supplies:

- 1) No commercial hazardous waste or commercial medical waste management facility unit shall be located within 2000 feet horizontally of a public drinking water supply well or public water supply intake point in a river, spring, lake, pond or reservoir, or within 1000 feet horizontally of a private drinking water supply well or private water supply intake point in a river, spring, lake, pond or reservoir.
- 2) A commercial hazardous waste or commercial medical waste management facility unit shall not be constructed on a wetland or a sinkhole, nor drain into a sinkhole or into a wetland, and shall comply with all requirements necessary to obtain a National Pollution Discharge Elimination System (NPDES) permit.
- 3) No commercial hazardous waste or commercial medical waste management facility unit shall be located within an area where the depth to the seasonally high water table in the uppermost saturated zone will rise to within five (5) feet of the ground surface.
- 4) No commercial hazardous waste or commercial medical waste management facility unit at which hazardous or medical wastes are stored or treated below ground (e.g. underground tank, surface impoundment) shall be located or constructed in such a

manner that the bottom of the liner system or secondary containment system is closer than ten (10) feet from the uppermost saturation area.

(B) Vertical Buffer Zones:

- 1) Commercial hazardous waste or commercial medical waste management facility land-based units shall be located and constructed such that there is, between the bottom of the unit's liner system and the seasonably high groundwater elevation in the uppermost saturated zone underlying the unit, a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:
  - a) Ten (10) feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-5}$  centimeters/second, or
  - b) Five (5) feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-6}$  centimeters/second.
- 2) Commercial hazardous waste or commercial medical waste management facility non-land-based units shall be located and constructed such that there is, between the bottom of the unit's secondary containment system and the seasonably high water elevation in the uppermost saturated zone underlying the unit, a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:
  - a) Four (4) feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-5}$  centimeters/ second, or
  - b) Two (2) feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-6}$  centimeters/ second, or
  - c) A buffer layer of other material, mechanically separate from the secondary containment system which will provide protection to fluid movement equivalent or superior to (e) 2)a) or b).
- 3) Hydraulic conductivity measurements are to be measured by the ASTM D5084 soil permeability test.
- 4) No commercial hazardous waste or commercial medical waste management facility unit or on-site access road to it shall be located within an area on the hanging wall block of a thrust fault line such that a vertical line as determined by a plumb line drilled by core drill to a depth of two hundred (200) feet will intersect a fault plane.

(C) County Septic Tank Pumper Permanent Dumping Sites: No commercial hazardous waste or commercial medical waste management facility unit shall be located within 1000 feet of any septic tank pumper permanent

dumping site authorized by the Chattanooga Hamilton County Health Department Rules and Regulations governing subsurface sewage disposal, including open-air disposal of septic tank effluent through land absorption.

- (D) Scenic, Cultural and Recreational Areas: No commercial hazardous waste or commercial medical waste management facility unit shall be located within, or within 500 feet of, a scenic, cultural or recreational area in existence on the date a completed building permit application is submitted.
  
- (E) Structures: To minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding areas, the following minimum separation distances shall be required of any commercial hazardous waste or commercial medical waste management facility unit:
  - 1) It shall not be located within two thousand (2000) feet of existing schools, hospitals, or day care centers, residences or residential zones.
  - 2) It shall not be located within two hundred (200) feet of any commercial buildings, other than those that are part of the facility.
  - 3) It shall not be located within one thousand (1000) feet of existing churches and non-commercial buildings, other than those that are part of the facility.
  - 4) A commercial hazardous waste management facility or commercial medical waste management facility unit shall not be located within two hundred (200) feet of the facility's property boundaries.
  - 5) It shall not be located within two thousand (2000) feet of an existing commercial hazardous waste management facility or commercial medical waste management facility unit or site specifically designated as a superfund site by either state or federal regulations, provided this restriction does not apply to a site which is temporarily used to ameliorate an adjacent site.
  - 6) Except for the purposes of Structures (II)(4) distance measurements shall be from the nearest point in a property line of a parcel containing the non-hazardous or non-medical waste management facility use to the nearest point of the "unit" as defined in this zoning ordinance.
  
- (F) Unstable Areas: No commercial hazardous or medical waste management facility unit shall be located or constructed in an unstable area.

## SECTION 14-805. Exceptions

### 805.01 Exceptions

- (A) The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this definition, if such facility:
    - a) Receives and burns only household waste (from single and multiple dwellings, hotels, motels, and other residential sources; and,
    - b) Solid waste from commercial or industrial sources that does not contain hazardous waste; and,
    - c) Such facility does not accept hazardous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.
- (B) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:
- 1) The growing and harvesting of agricultural crops
  - 2) The raising of animals, including animal manures
  - 3) Mining overburden returned to the mine site
- (C) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels, except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste.
- (D) Drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy.
- (E) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in Title 40 Code of Federal Regulations

Part 261, subpart D due to the presence of chromium which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- 1) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
  - 2) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
  - 3) The waste is typically and frequently managed in non-oxidizing environments
- (F) Specific wastes which meet the standard in Section 14-801.06 E(1), (2), and (3) (so long as they do not fail the test for Toxicity Characteristic, and do not fail the test for any other characteristic) are:
- 1) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retain/wet finish; no beamhouse; through-the-blue; and shearling.
  - 2) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - 3) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue.
  - 4) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - 5) Waste water treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/ retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - 6) Waste water treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair

pulp/chrome tan/retan/wet finish; hair save/chrometan/ retan/wet finish; and through-the blue.

- 7) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
  - 8) Waste water treatment sludges from the production of TiO<sub>2</sub> pigment using chromium-bearing ores by the chloride process.
- (G) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste. For purposes of 40 CFR 261.4(b)(7), beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving) and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electro-winning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of 40 CFR 261.4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes:
- 1) Slag from primary copper processing
  - 2) Slag from primary lead processing
  - 3) Red and brown muds from bauxite refining
  - 4) Phosphogypsum from phosphoric acid production
  - 5) Slag from elemental phosphorus production
  - 6) Gasifier ash from coal gasification
  - 7) Process wastewater from coal gasification
  - 8) Calcium sulfate wastewater treatment plant sludge from primary copper processing
  - 9) Slag tailings from primary copper processing
  - 10) Fluorogypsum from hydrofluoric acid production
  - 11) Process wastewater from hydrofluoric acid production

- 12) Air pollution control dust/sludge from iron blast furnaces
  - 13) Iron blast furnace slag
  - 14) Treated residue from roasting/leaching of chrome ore
  - 15) Process wastewater from primary magnesium processing by anhydrous process
  - 16) Process wastewater from phosphoric acid production
  - 17) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production
  - 18) Basic oxygen furnace and open hearth furnace slag from carbon steel production
  - 19) Chloride process waste solids from titanium tetrachloride production
  - 20) Slag from primary zinc processing
- (H) Cement kiln dust waste, except as provided by 40 CFR 266.112 for facilities that burn or process hazardous waste.
  - (I) Solid waste that consists of discarded wood or wood products that fails the test for the Toxicity Characteristic solely for arsenic and that is not a hazardous waste for any other reason or reasons, if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
  - (J) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of 40 CFR 261.24 (Hazardous Waste Codes D018 through D042 only) and are subject to the corrective action regulations under 40 CFR 280.
  - (K) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in 40 CFR 261.24 that is re-injected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until January 1, 1993. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:

- 1) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and
  - 2) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.
- (L) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- (M) Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery.
- (N) Any waste from any facility sited within the City of Red Bank, which waste is excluded from Title 40 Code of Federal Regulations Part 261.3 or the lists of hazardous wastes in Title 40 Code of Federal Regulations Part 261, Subpart D, by the United States Environmental Protection Agency pursuant to Title 40 Code of Federal Regulations Part 260.20 or Part 260.22 and published in either the Federal Register or in Title 40 Code of Federal Regulations Part 261, Appendix IX, or in both.
- (O) For purposes of this definition and these zoning regulations, "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 33 U.S.C. 1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)[42 U.S.C.A. Section 2011 et. seq.).

805.02 The following materials are not solid wastes for the purpose of this definition:

- (A) Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- (B) Industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not

exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sluges that are generated by industrial wastewater treatment.

- (C) Irrigation return flows.
- (D) Source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et.seq.
- (E) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- (F) Pulping liquors (i.e. black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).
- (G) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(c).
- (H) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:
  - 1) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
  - 2) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
  - 3) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
  - 4) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
- (I) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and waste waters from the wood preserving process that have been reclaimed and are reused to treat wood.
- (J) When used as a fuel, coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, EPA Hazardous Waste K087. The process of producing coke and coal tar from such decanter tank tar sludge in a coke oven is likewise excluded from regulation.

- (K) Materials that are reclaimed from solid waste and that are used beneficially are not solid wastes and hence are not hazardous waste unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.
- (L) A facility that reclaims materials that are used beneficially as provided in Section 14-105 (3)(k) from solid waste it created is not a commercial hazardous waste management facility for the purpose of this Ordinance, unless that facility also stores or disposes of hazardous waste of which more than twenty-five percent (25%) by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated on-site at the receiving facility during the corresponding time period of the preceding calendar year.

#### SECTION 14-806. Zoning Requirements

806.01 Commercial Hazardous Management Facilities and Commercial Medical Waste Management Facilities shall be permitted only in the M-1 Manufacturing Zone subject to the requirements of the M-1 Zone and the provisions of this Chapter.

#### SECTION 14-807. Building Permit Application Requirements

807.01 Application for a building permit shall be accompanied by a site plan indicating method and hours of operation, building and structure location and function, extent and nature of all screening and buffer areas, type and volume of waste materials, proximity to waterways and drainage characteristics, location and type of surrounding land use. Additional information, if required, shall be submitted upon request of the building official.

### **CHAPTER IX. SCREENING REQUIREMENTS**

#### SECTION 14-901. Intent

- 901.01 To provide transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.
- 901.02 If the screening requirements of Chapter IX cannot be met due to the topography, lot size, or other conditions, including but not limited to preexisting buildings, not created by the property owner, an eight (8) foot high sight obscuring fence and/or existing natural vegetation or topography may be used if the City Manager or his or

her designee determines that the intent of the sight obscuring requirement will have been substantially complied with.

**SECTION 14-902. Procedure**

902.01 Refer to the matrix attached hereto and incorporated herein by reference to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of Table 14-902.01A Screening Zones) and each adjoining property (along the top of this matrix). Second, find where the zoning of the proposed development and each adjoining intersect on Table 902.01B Screening Matrix). If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided herein.

When classifying a zoning district for the Screening Matrix, if the proposed use within a zone is also listed as a permitted use within a less-intensive zone, the corresponding class for the less intensive zone may be applied. For example, a proposed commercial use within a manufacturing zone may be classified as a commercial zone for the purposes of using the Screening Matrix.

| <b>TABLE 14-902.01A SCREENING ZONES</b> |                                     |
|---|-------------------------------------|
| <b>Zoning Districts</b>                 | <b>Zones</b>                        |
| Manufacturing/Warehousing               | L-1, M-1                            |
| Commercial                              | C-1, C-2, C-3                       |
| Office                                  | O-1                                 |
| High Density Residential                | R-3, R-4, RTZ-1, RT-1, RZ-1 and PUD |
| Low Density Residential                 | R-1, R-1A, R-2 and R-5              |

**Table 14-902.01B SCREENING MATRIX**

|          |                               | Existing                        |                                 |                                 |                                 |                                 |
|----------|-------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Proposed |                               | Manufacturing/<br>Warehousing   | Commercial                      | Office                          | High Density<br>Residential     | Low Density<br>Residential      |
|          | Manufacturing/<br>Warehousing | No screen or<br>buffer required | C                               | B                               | A                               | A                               |
|          | Commercial                    | No screen or<br>buffer required | No screen or<br>buffer required | No screen or<br>buffer required | B                               | B                               |
|          | Office                        | No screen or<br>buffer required | No screen or<br>buffer required | No screen or<br>buffer required | C                               | C                               |
|          | High Density<br>Residential   | A                               | B                               | C                               | C, E, D                         | C, E, D                         |
|          | Low Density<br>Residential    | A                               | B                               | C                               | No screen or<br>buffer required | No screen or<br>buffer required |

**Zones are not considered to be adjacent if separated by a right-of-way of at least fifty (50) feet in width.**

902.02 Screening Type Requirements

- (A) Screening Type A: Provide a thirty (30) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
  - 1) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven (7) feet apart) of shrubs spaced a maximum of eight (8) feet on-center, and two (2) rows of shade trees spaced a maximum of thirty-five (35) feet on-center.
  - 2) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
  
- (B) Screening Type B: Provide a twenty (20) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
  - 1) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven (7) feet apart) of shrubs spaced a maximum of eight (8) feet on-center, and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.
  - 2) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.

- (C) Screening Type C: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
- 1) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven (7) feet apart) of shrubs spaced a maximum of eight (8) feet on-center.
  - 2) All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
- (D) Screening of Dumpsters: Dumpsters shall be screened in the manner described below:
- 1) Screening shall be a minimum height of six (6) feet
  - 2) All four (4) sides of the dumpster shall be screened
  - 3) The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate
  - 4) Screening materials can be any combination of evergreen plantings, wood, or masonry material.
- (E) Stormwater Facilities: Stormwater facilities may be located in the landscaped yard subject to the following conditions:
- 1) No rip-rap, crushed stone, concrete or other impervious materials are exposed; and,
  - 2) Trees and other living organic materials can be planted along the stormwater facility.

## SECTION 14-903. Plant Installation Specifications

### 903.01 Intent

All landscaping material shall be installed in a professional manner, and according to accepted planting procedures specified in the Arboricultural Specifications Manual.

- (A) Class I Shade Trees: These trees are used to meet the tree planting requirements specified in the Street Yard and Parking Lot sections. All Class I shade trees shall be installed at a minimum of caliper of two (2) inches as measured from two and one-half (2 1/2) feet above grade level. Class I shade trees shall also have a minimum expected maturity height of a least thirty-five (35) feet and a minimum canopy spread of twenty (20)

feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.

- (B) **Class II Shade Trees:** These trees are intended to be used for the planting under overhead power lines only where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of one and one-half (1 ½) inches as measured at two and one-half (2 ½) feet above grade level from the base of the tree. Class II shade trees shall have a maximum expected maturity height of twenty (20) feet and a minimum canopy spread of ten (10) feet.
- (C) **Screening Trees:** Screening trees are used to meet the tree planting requirements of Section 14-902 Procedure. All screening trees shall be installed at a minimum height of five (5) to six (6) feet and have a minimum expected canopy spread of eight (8) feet.
- (D) **Screening Shrubs:** All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature spread of at least five (5) feet.
- (E) **Prohibited Plants:** Certain plants are prohibited due to problems with hardiness, maintenance and nuisance. See chart for specific plants.

| Class 1 Shade Trees    |                        | Class II Shade Trees         | Screening Trees                                 | Screening Shrubs        | Prohibited Plants      |                           |
|------------------------|------------------------|------------------------------|---|-------------------------|------------------------|---------------------------|
| Allee Elm              | Princeton American Elm | Amur Maple                   | Southern Magnolia                               | Burford Holly           | Air-potato             | Mimosa                    |
| American Hornbeam      | Red Maple              | Autumn Flowering Cherry      | American Holly                                  | Cherry Laurel           | Amur Bush Honeysuckle  | Morrow's Bush Honeysuckle |
| American Hophornbeam   | Red oak                | Crapemyrtle                  | Atlas Cedar                                     | Eastern Arborvitae      | Asian Bittersweet      | Mulberry                  |
| Aristocrat Pear        | River Birch            | Flowering Dogwood            | Canadian Hemlock                                | English Holly           | Autumn Olive           | Multiflora Rose           |
| Athena Elm             | Sawtooth Oak           | Golden Raintree              | Carolina Hemlock                                | English Laurel          | Bradford Pear          | Princess Tree             |
| Black Gum              | Scarlet Oak            | Hedge Maple                  | Deodar Cedar                                    | Fragrant Olive          | Bush Honeysuckle       | Purple Loosestrife        |
| Chinese Pistache       | Seedless Honey Locust  | Kousa Dogwood                | Foster Holly                                    | Leatherleaf Viburnum    | Chinese Privet         | Sericea Lespedeza         |
| Cleveland Select Pear  | Shumard Oak            | Okame Cherry                 | Green Giant Arborvitae                          | Nellie R. Stevens Holly | Common Privet          | Shrub Honeysuckle         |
| Dawn Redwood           | Silver Linden          | Redbud                       | Leyland Cypress                                 | Wax Mirtle              | Common Reed            | Siberian Elm              |
| Drake elm              | Southern Sugar Maple   | Serviceberry                 | Loblolly Pine*                                  |                         | English Ivy            | Silver Maple              |
| English Oak            | Sugar Maple            | Sweetbay Magnolia            | Virginia Pine*                                  |                         | Eurasian Water Milfoil | Silver Poplar             |
| European Hornbeam      | Swamp White Oak        | Thornless Cockspur Hawthorne | White Pine*                                     |                         | Garlic Mustard         | Sweetgum                  |
| Ginkgo (use male only) | Water Oak              | Trident Maple                | *should not be used near high vehicular traffic |                         | January Jasmine        | Tartarian Honeysuckle     |
| Golden Raintree        | White Oak              | Winter King Hawthorne        |   |                         | Japanese Bamboo        | Thorny Olive              |
| Japanese Pogodatree    | Willow Oak             | Yoshino Cherry               |   |                         | Japanese Grass         | Tree of Heaven            |
| Japanese Zelkova       | Yellowwood             |                              |   |                         | Japanese Honeysuckle   | Tropical Soda Apple       |
| Katsura Tree           |                        |                              |   |                         | Japanese Knotwood      | Winter Creeper            |
| Littleleaf Linden      |                        |                              |   | Japanese Spiraea        |                        |                           |
| Northern Red Oak       |                        |                              |   | Johnson Grass           |                        |                           |
| Overcup Oak            |                        |                              |   | Kudzu                   |                        |                           |
| Pin Oak                |                        |                              |   | Lespedeza               |                        |                           |

- (F) Other trees and shrubs that are considered native to East Tennessee MAY be used, CONTINGENT UPON APPROVAL BEFORE installation. These include: Alternate Leaved Dogwood, American Beech, American Plum, Basswood, Bitternut Hickory, Black Birch, Black Oak, Black Walnut, Black Will, Blackgum, Blue Ash, Carolina Buckthorn, Carolina Silverbell, Chestnut Oak, Cucumber Tree, Fringe Tree, Green Ash, Hawthorn, Hercules, Ironwood, Mockernut, Mountain Ash, Northern Blackhaw,

Parsley Hawthorn, Paw Paw, Persimmon, Pignut Hickory, Post Oak, Red Cedar, Red Mulberry, Redbud, Sassafras, Shagbark, Short Leaf Pine, Southern Rusty, Sourwood, Southern Magnolia, Southern Red Oak, Staghorn Sumac, Sycamore, Tulip Poplar, Washington Hawthorn, White Ash, White Cedar, Witch-hazel, Yellow Buckeye, Alder, American Beautyberry, Black Chokeberry, Bladdernut, Buttonbush, Carolina Rose, Common Winterberry, Coralberry, Cranberry, Cumberland Rosemary, Deerberry, Elderberry, Farkleberry, Flame Azalea, Fragrant Sumac, Golden St. John's Wort, Hazelnut, Hearts-a-bustin, Highbush Blueberry, Indigo Bush, Leatherwood, Mapleleaf, Mountain Laurel, New Jersey Tea, Ninebark, Red Chokeberry, Rose Bay, Shrubby St. John's Wort, Spicebush, Swamp Mallow, Swamp Rose, Sweetshrub, Virginia-Willow, Wild Azalea, Wild Hydrangea, Winged Sumac.

#### SECTION 14-904. Utility Easement Policy

##### 904.01 Intent

Any tree or shrub used to meet the requirements of this Chapter shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below:

- (A) Written permission has been obtained from the holder of the utility easement.
- (B) Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specifications section as Class II Shade Trees) may be substituted.
- (C) If none of the special exceptions apply, the following options shall be considered in order of priority:
  - 1) Priority 1: Plant the tree as close to the easement as possible.
  - 2) Priority 2: For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.
- (D) Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

## SECTION 14-905. Maintenance

905.01 The property owner shall be responsible for the maintenance of all landscaping provided. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this chapter.

## SECTION 14-906. Certificate of Occupancy/Bonding

906.01 If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:

- (A) Property owner posts a performance bond or irrevocable letter of credit with the City Manager or his/her designee;
- (B) The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost, as shown on the submitted landscape;
- (C) The costs of the landscaping shall be certified by a licensed contractor or determined using a general formula established by the landscape site reviewer (option of applicant).

906.02 After receiving the Certificate of Occupancy, the remaining landscape material shall be installed within six (6) months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the six (6) month period and the funds applied to complete the landscaping work.

## SECTION 14-907. Definitions

907.01 Definitions

- (A) Caliper – a measurement of the tree trunk diameter measured six (6) inches above grade level.
- (B) Class I Shade Trees – any plant having a central trunk, an expected maturity height of at least thirty-five (35) feet, and an expected minimum mature canopy spread of at least fifteen (15) feet.
- (C) Class II Shade Trees – any plant having a central trunk and a maximum expected maturity height of twenty-five (25) feet.
- (D) Impervious Surfaces – includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

- (E) Landscape Area/Landscaped Yard – an area to be planted with trees, grass, shrubs, or other natural living ground cover material. No impervious surfaces are permitted in these areas.
- (F) Landscaped Island – a landscaped area defined by a curb and surrounded by paving on all sides.
- (G) Landscaped Peninsula – a landscaped area defined by a curb and surrounded by paving on three sides.
- (H) Landscaped Median – a landscaped area bordering two (2) adjoining parking bays.
- (I) Natural Buffer – an area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill-cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.
- (J) New Development – construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.
- (K) Parking Space/Parking Bay – includes spaces and areas for all vehicles except tractor trailers.
- (L) Screening Shrubs – evergreen shrubs that maintain their foliage year-round.
- (M) Screening Trees – evergreen trees that maintain their foliage year-round.
- (N) Street Yard – a designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.

**SECTION 14-908. Non-conforming Uses**

908.01 These screening requirement shall also apply whenever there is any change of use by a non-conforming commercial or industrial use.

**CHAPTER X. DESIGN REVIEW REQUIREMENTS**

**Applies only to non-residential uses and multi-family uses.**

[Ordinance No. 17-1090, May 16, 2017]

**SECTION 14-1001. Exterior Walls/Building Facades**

- 1001.01 Buildings shall be designed and constructed to avoid lengthy and broken facades devoid of scale, detailing, or fenestration. Examples of architectural details include: recessed or articulated wall surfaces; columns and beams; windows and other openings that reflect and enhance the character and style of the building; and defined roof lines. The use of sloped roofs and combination flat roofs may be used to vary the building profile and to provide equipment screening. Permissible facade styling and materials shall be utilized on all sides of buildings that are visible from a public right-of-way and such styling and materials shall be of consistent construction and styling on all sides of each such building at issue.
- 1001.02 Building materials that are prohibited, when visible from any adjoining public right-of-way or any abutting residential development include: corrugated metal siding; vinyl (or similar) siding, unpainted concrete block; provided, however, painted smooth surface concrete block may be utilized in an amount not to exceed 5% of the building facade's vertical surface.
- 1001.03 More particularly, a minimum of seventy (70%) percent of every exterior building wall, excluding glass, that is visible from a public right-of-way or any abutting residential development, shall be comprised from the following alternative materials: brick, stone, hard coat stucco, non-combustible cement fiber board products (including wood clap – smooth side is preferable, beaded siding and panels), pre-cast concrete, faux stone, colored faced block may be utilized, in an amount not to exceed sixty-five (65%) percent. Painted smooth face concrete block may be utilized in an amount not to exceed five (5%) percent. Synthetic stucco (EIFS) may be utilized in an amount not to exceed ten (10%) on each façade.
- 1001.04 Specifically excluded from the requirements of said Section 14-401.04(B) above, are stand-alone automated teller machine kiosks, metal access trim which does not exceed 18 inches in width at any point, mansard type roofs, metal canopies and/or metal awnings that otherwise meet building code and/or zoning requirements.
- 1001.05 Proposed project applications shall be submitted to the City Manager or his/her designee. Upon receipt of proposed project application, review and approval will be done by the Red Bank Planning Commission with recommendation to the City Commission as appropriate.

## **CHAPTER XI. COMMUNICATIONS TOWERS**

### **SECTION 14-1101. Radio, Television, Telephone, Satellite, and Microwave Communications Towers.**

- 1101.01 Exemptions and Administratively Approved Sites: A Special Exceptions Permit shall not be required under the following circumstances:
- (A) Concealed Devices – Communication equipment that is concealed within a building or structure so that it is architecturally indiscernible may be permitted in all zoning districts subject to building permit procedures and standards. Architecturally indiscernible shall mean that the addition or feature containing the antenna is architecturally harmonious in such

aspects as material, height, bulk, scale and design with the building or structure to which it is to be a part.

- (B) Additions To Existing Structures In Any Zoning District – An antenna, a dish or transmitter may be placed inside or on an existing structure, including but not limited to steeples, silos, spires, utility water tanks or towers, athletic field lighting poles, utility poles and similar structures, (but excluding single-family or duplex dwellings for any commercial use), subject to structural adequacy and provided the addition of the antenna and any supporting structure shall not add more than twenty (20) feet to the existing structure without obtaining a Special Exceptions Permit. The setback requirements for freestanding communications towers shall not be applied to existing structures used to support or house the antenna. Additional antennas may be placed on existing communication towers without obtaining a Special Exceptions Permit. The placement of antennas in or on existing structures or communications towers shall be subject to the screening landscape standards of this section if the addition of the antenna or associated equipment causes any significant change to the ground level view of the existing structure in the discretion of the City Manager or his/her designee
- (C) Existing Communication Towers – Antennas, dishes, or similar equipment or additional users which do not add to the tower height, may be added to existing communications towers without obtaining a Special Exceptions Permit, but shall be subject to all applicable zoning, set-back, design, and building code regulations.
- (D) Special Exceptions Permit – Except as exempted by regulations of a particular zone, Special Exceptions Permits shall be required for all lattice communication towers and for monopole communication towers as provided herein:
  - 1) Subject to the issuance of a Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission, commercial towers may be permitted to locate on any property whether publicly or privately owned that is located in any zone.
  - 2) The issuance of A Special Exceptions Permit is subject to landscaping standards, co-location requirements and other requirements.
- (E) Special Exceptions Permit Procedures – The following information must be provided at the time of application for a Special Exceptions Permit:
  - 1) A schematic site plan, including schematic landscape plan with an elevation view of the type of facility to be placed on the site. The site plan shall depict where the tower is to be located on the site and where additional co-located communication equipment, shelters or vaults can be placed.

- 2) Identification of the intended user(s) of the tower.
- 3) A site justification statement prepared by the applicant that considers other alternatives to the proposed site and the impact of the proposed tower. The statement shall include a technical justification for the need for additional communications towers within the proposed coverage area with sufficient calculations and technical detail for review by qualified professionals. This statement shall include adequate documentation that no suitable existing facilities within the coverage area are available for the proposed use including existing communication towers, other sites for which communication tower applications are pending, and utilization of existing structures that are suitable for mounting antennae. A map of the coverage area identifying all existing communication towers and other sites with suitable zoning and adequate land area to site a communications tower shall be included. The applicant shall justify the selection of the proposed site over other available alternative sites within the identified coverage area weighing the relative impacts of the proposed site to other available sites with particular consideration of the impact of the tower upon adjacent properties, historic areas, scenic vistas and residential neighborhoods.
- 4) Communications towers shall be sited so as to be as unimposing as practical. The applicant shall demonstrate that through location, construction, or camouflage, the proposed facility will have minimum visual impact upon the appearance of adjacent properties, views and vistas of historic areas, scenic assets, and the integrity of residential neighborhoods. The representations in the site justification statement shall be subject to comment by citizens and shall also be subject to verification by the City of Red Bank or its assigns. False representations in an application shall be grounds for denial of a Special Exceptions Permit. The Commissions are specifically empowered to utilize its collective judgment in assessing and approving or denying the application based upon such information.
- 5) Documentation of the number of other users that can be accommodated within the design parameters of the tower as proposed. If the tower will not accommodate the required number of users, the applicant must demonstrate with compelling evidence why it is not economically, aesthetically, or technologically feasible to construct the tower with the required co-location capability. No application not fulfilling the co-location capability requirement is eligible for administrative approval by the City Manager or his/her designee.
- 6) A statement indicating the owner's commitment to allow feasible shared use of the tower within its design capacity for co-location.

- 7) The applicant of the landowner shall provide proof of the establishment of a financially secure and legally enforceable method of removing a communications tower when it ceases to be used for a period of twelve (12) months. This financial assurance can be provided through a sinking fund, a lien upon land which has a greater unencumbered appraised value than the cost of removal of the communications tower, a removal bond, a letter of credit or any alternative financial arrangement which is approved by the City Manager or his/her designee as to the financial adequacy and the City Attorney as to legal enforceability. If the applicant or landowner owns more than one (1) tower, a blanket removal bond or alternative financial assurance may cover multiple sites.
- (F) Landscape Requirements – Commercial telecommunication tower sites shall be subject to the following landscaping standards:
- 1) The visual impact of a tower on adjacent properties and streets shall be minimized to the extent practicable by utilizing existing topography, structures, and natural vegetation to screen the tower. For all visual exposures not equivalently screened by existing structures or natural vegetation, all tower sites shall be landscaped with a ten (10) feet deep landscape yard with evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows of shrubs spaced a maximum of eight (8) feet apart. All plantings shall meet the installation and planting size requirements as specified below:
    - a) Intent: All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures specified in the current edition of American Studies for Nursery Standard.
    - b) Screening Trees: Screening trees are used to meet the tree planting requirements of this ordinance and shall be installed at a minimum height of eight (8) feet and have a minimum expected mature spread of eight (8). Recommended species are American Holly, Foster Holly, Southern Magnolia, Eastern Red Cedar, Atlas Cedar, Deodar Cedar and Virginia Pine.
    - c) Screening Shrubs: All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of a least eight (8) feet and mature spread of a least five (5) feet. Recommended species include: Fragrant Olive, English Holly, Buford Holly, Nellie R. Stevens Holly, Wax Myrtle, Cherry Laurel, English Laurel and Leatherleaf Viburnum.
    - d) Prohibited Plants: The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance:

Kudzu Vine, Purple Loosestrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Common Privet, Tree of Heaven, Lespedeza, garlic Mustard, Paulownia, Multiflora rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.

- e) Maintenance: The property owner (or lessee if so provided in a written lease) shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner (or lessee if provided in a written lease) with new plantings that meet the requirements of these regulations.
- 2) A break in the landscape not to exceed sixteen (16) feet in width shall be allowed for access for maintenance personnel and vehicles.
  - 3) New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the City Manager or his/her designee finds that they achieve reasonably equivalent screening as subsection 1 herein.
- (G) Co-location requirements – New communication towers of a height of more than one hundred (100) feet and less than two hundred (200) feet must be designed and built to accommodate three (3) or more personal communication system carrier applications and must be made available upon reasonable terms for co-location to at least three (3) telecommunication equipment shelters, cabinets or additions to existing structures. New communication towers of a height of two hundred (200) feet or more must be designed and built to accommodate at least three (3) personal communication system applications and at least three (3) additional single antenna applications plus at least one (1) additional personal communication system application and at least one additional single antenna application for each additional fifty (50) feet of height, to a maximum of six (6) personal service communication system carriers and six (6) single antenna applications, to be made available upon reasonable terms for co-location.
- (H) Other requirements:
- 1) Design standards: The proposed site plan and tower design plans meet or exceed all applicable standards, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), and Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity, American Concrete Institute

(ACI), American Standards Testing and Materials Institute (ASTM), the National Electrical Code, and the American Steel Institute.

- 2) Construction plans: Construction plans or drawings prepared by a registered engineer certifying that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall be required at the time of applying for a building permit.
- 3) Landscape plans: Landscape plans that comply with the landscaping requirements of this ordinance shall be required at the time of applying for a building permit.
- 4) Maintenance: The property owner (or lessee is provided in a written lease) shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of these regulations.
- 5) Removal of Abandoned Antennas and Towers: Any tower permitted that is not operated as a personal communication system carrier application for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Building Inspector. Failure to do so shall be deemed to be a violation of these regulations. The owner of the antenna or tower may appeal the decision of the City Manager or his/her designee to the Board of Appeals for Variances and Special Permits, but at such hearing shall be required to show just cause why the antenna or tower should not be considered abandoned and subject to removal.
- 6) Communications Towers shall be set back from all property lines on which the tower is located by the distance equal to the height of the towers engineered failure point on the proposed structure or the height of the tower. Provided, however, the minimum setback for any tower is fifty (50) feet.
- 7) For purposes of these regulations, the engineered failure point is that location(s) on the tower that is designed to fail when overstressed beyond the structural parameters of the tower design. This failure point will cause the overstressed portion of the structure to fall in upon itself in such a way as to reduce the remaining stress on the structure to such a level that result in no further failures of the tower structure. The lowest engineered failure point is described such that if the tower should collapse, the tallest remaining vertical section of the structure shall be equal to the setback from the abutting property lines. If the proposed tower

is designed with failure points that allow for the collapse of the structure upon its self, a letter stamped by a licensed Professional Structural Engineer evidencing the design and fall zone parameters of the proposed tower shall satisfy the requirements determining the minimum fall zone setback distance.

- 8) No portion of the tower structure shall be designed or constructed so that the height of the tower allows it to fall across the property line of the abutting property. The communications tower must comply with building codes and other federal, state, and local regulations.
- 9) A sign furnished by the City Manager or his/her designee shall be prominently posted by the applicant on the site of the proposed communications tower for at least fifteen (15) consecutive days prior to the meeting of the Planning Commission to give notice to the public of the application and the Planning Commission meeting date.

## **CHAPTER VII. SOLAR ENERGY SYSTEMS**

### **SECTION 14-1201. Applicability**

1. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
2. Any update, modifications, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of this ordinance.

### **SECTION 14-1202 Installation and Construction**

1. The installation and construction of any solar energy system in the City of Red Bank shall be subject to the following development, design and operational standards:
  - A) A solar energy system is permitted in all zoning districts as an accessory to a principal use, except in the context of property within the Industrial Zone. Nothing contained herein shall be construed to prohibit commercial installation of a solar energy system as wither as accessory use or as the principal and/or primary use for parcels zoned "industrial".
  - B) A solar energy system shall provide power for the principal use (limited to Industrial Zone) and/or accessory use of property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy or the gratuitous transfer of energy to other users, except as permitted and/or accepted by the Electric Power Board and/or the Tennessee Valley Authority.

- C) A solar energy system connected or intended to be connected to the utility grid shall at the time of application for the electrical permit provide written authorization from the local utility company acknowledging and approving such connection.
- D) Subject to more particular regulation provisions hereinafter provided in this Chapter, a solar energy system may be roof mounted or ground mounted.
- E) A roof mounted system may be mounted on the roof of a principal building or accessory building. No System may be mounted on or attached to the side of any building except for Solar Canopies. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the particular, and, applicable zoning district. In no instance shall any part of the solar energy extend beyond the edge (overhang) of roof. No part of any roof or roof line and must at times comply with a maximum height requirement of the underlying zoning district.
- F.) A ground mounted system shall not exceed the maximum building height for accessory buildings, no poles or pedestal or other mounted system, including the solar panels, may exceed ten (10') feet of height above ground level.
- G.) The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
- H.) Placement
  - (i) A ground mounted system or system attached to an accessory building shall not be located within the front yard of any residentially zoned or commercially zoned property.
  - (ii). In Industrial zones, no system may be installed, mounted or erected or located any closer to any residentially zoned properties rear or side property lines and no closer than two (2) times the otherwise applicable set back distances.
  - (iii). In Industrial zones otherwise applicable set back lines shall be applicable.
- I.) Except as otherwise specifically provided herein, the minimum solar energy setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
- J.) All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
  - (a.) Mechanical equipment not attached to the structure shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other noninvasive plant species which provides a visual screen. In lieu

of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.

- (b.) Mechanical equipment shall not be located within the front yard of any residentially or commercially zoned property nor within the front, side or rear setback for Industrial zoned property and shall otherwise comply with the setbacks specified for accessory structures in the underlying zoning district.
  - K.) Solar panels shall be located such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.
  - L.) All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
  - M.) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or other similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed in any equipment of the solar energy system, provided they comply with the prevailing sign regulations.
  - N.) A solar energy system shall not be constructed until a building / zoning / electrical permit has been approved and issued by the City of Red Bank and as may be applicable, approved by the Electric Power Board.
  - O.) The design of the solar energy system shall conform to applicable industry standards. A building permit may only be obtained for a solar energy system pursuant to all applicable building, electrical and safety codes and regulations adopted thereunder. All wiring shall comply with the then applicable version of the National Electrical Code (NEC) and shall also require an electric permit from the City prior to installation. The local utility provider shall be contacted to determine grid interconnection and meet metering policies and the applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer licensed by the State of Tennessee.
  - P.) The solar energy system shall comply with all applicable City of Red Bank Ordinances and Building Codes so as to ensure the structural integrity and safety of such solar energy system.
  - Q.) Before any construction can commence of any solar energy systems or be installed or erected, the owner must acknowledge, in writing on the City of Red Bank issued permit that he/she is the responsible party for owning and maintaining the solar energy system.
2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be

graded and reseeded.

3. If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of one-hundred and eighty (180) days or more, or is defective or is deemed to be unsafe by the City Manager or his/her designee, the solar energy system shall be immediately disconnected from the building and the Electric Power Board shall be notified and the system required to be repaired by the owner, and subject to inspection by the City, required to meet federal, state and local safety standards before resuming operations, or be removed by the property owner within the time period allowed by the Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, City may pursue a legal action to have the system removed at the owner's expense, which cost shall be a municipal lien against the real property upon which the solar energy system is located.

City of Red Bank Zoning Ordinance