

City of Red Bank

Eddie Pierce
Mayor

Tim Thornbury
City Manager

BOARD OF COMMISSIONERS' MEETING

Agenda
March 19, 2019
6:00 p.m.

- I. **Call to Order – Mayor Eddie Pierce**
- II. **Roll Call – City Manager**

Mayor Pierce ____, Vice-Mayor Pope ____, Commissioner Jenó ____,
Commissioner LeCompte ____, Commissioner Rose ____
- III. **Invocation –**
- IV. **Pledge of Allegiance –**
- V. **Consideration of the Minutes for approval or correction:**
 - A. **March 5, 2019 Agenda Work Session**
 - B. **March 5, 2019 Commission Meeting**
- VI. **Communication from the Mayor**
- VII. **Commissioner's Report**
 - A. **Vice Mayor Terry Pope**
 - B. **Commissioner Ruth Jenó**
 - C. **Commissioner Ed LeCompte**
 - D. **Commissioner Carol Rose**
- VIII. **City Manager Report**
- IX. **Awards and Presentations**
 - A) **Red Bank and Soddy Daisy Foundation (Trish Baker)**
 - B) **Seniors on the Go – Marlene Eberhart and Benchmark Physical Therapy**
- X. **PUBLIC HEARINGS**
 1. **THE PURPOSE OF THIS PUBLIC HEARING IS TO RECEIVE CITIZEN COMMENTS IN REGARD TO REZONING PROPERTIES ABUTTING DAYTON BOULEVARD ON THE EAST SIDE FROM MEADOWBROOK DRIVE TO BARKER ROAD AND PROPERTY ABUTTING ON THE WEST SIDE FROM MEADOWBROOK DRIVE TO GLENRON STREET, FROM C-1 COMMERCIAL TO C-3 COMMERCIAL ZONE**
 2. **THE PURPOSE OF THE PUBLIC HEARING IS TO RECEIVE CITIZEN COMMENTS IN REGARD TO THE SMALL CELL TELECOMMUNICATIONS ORDINANCE**
- XI. **Unfinished Business**
 - A. **ORDINANCE NO. 19-1147 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO REPEAL THE EXISTING RED BANK SIGN ORDINANCE, CODIFIED AT RED BANK CITY CODE, TITLE 9, CHAPTER 8, SECTION 9-801 ET SEQ. AND TO ADOPT IN ITS PLACE AND STEAD THE RES BANK SIGN ORDINANCE, ALSO TO BE CODIFIED AT TITLE 9, CHAPTER 8, SECTION 9-801 ET SEQ. OF THE RED BANK CITY CODE (SECOND AND FINAL READING)**
- XII. **New Business**
 - A. **ORDINANCE NO. 19-1148 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE RED BANK ZONING ORDINANCE NO. 15-1020, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-7-201, TENNESSEE CODE ANNOTATED BY**

AMENDING TITLE 14, CHAPTER 11, SECTIONS 1101 ET SEQ., OF THE RED BANK CITY CODE, REGULATING TELECOMMUNICATIONS STRUCTURES (FIRST READING)

- B. ORDINANCE NO. 19-1149 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE FROM C-1 COMMERCIAL TO C-3 NEIGHBORHOOD COMMERCIAL, THE PROPERTIES FRONTING DAYTON BOTH SIDE OF DAYTON BOULEVARD FROM TAC MAP 109I, GROUP C, PARCEL 010 AT 4301 DAYTON BOULEVARD NORTH TO AND INCLUDING TAX MAP 109B, GROUP D, PARCEL 004, AT AN UNADDRESSED PROPERTY ON DAYTON BOULEVARD AND FROM TAX MAP 109J, GROUP A, PARCEL 027 AT 4300 DAYTON BOULEVARD NORTH TO AND INCLUDING TAX MAP 109B, GROUP L, PARCEL 001 AT 1 PAULMAR DRIVE (FIRST READING)**
 - C. ORDINANCE NO. 19-1150 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FY 2018 OPERATING BUDGET TO APPROPRIATE DONATION FUNDING FROM THE RED BANK AND SODDY DAISY CHARITABLE FOUNDATION IN THE AMOUNT OF \$23,200.00 AND TO ACCEPT CONDITIONS OF THE GRANT (FIRST READING)**
 - D. RESOLUTION NO. 19-1284 – A RESOLUTION AUTHORIZING PRATT FAMILY PARTNERS, 1734 DAYTON BOULEVARD, TO USE TEMPORARILY THE RIGHT OF WAY LOCATED ALONG 1738 DAYTON BOULEVARD FOR THE PURPOSE OF CONSTRUCTING A DUMPSTER ENCLOSURE FOR PERMITTEE’S USE BY MULTIPLE AREA BUSINESSES, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS**
- XIII. Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)**
- VX. Adjournment**

City of Red Bank
COMMISSIONERS AGENDA WORK SESSION
RED BANK CITY HALL

Minutes
March 5, 2019
5:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on March 5, 2019 at 5:00 p.m. The purpose of the meeting was to receive information on upcoming business items. Those in attendance were Mayor Eddie Pierce, Vice Mayor Terry Pope, Commissioner Ruth Jenó, and Commissioner Carol Rose. Commissioner Ed LeCompte was absent. Also present were City Manager Tim Thornbury, Interim Police Chief John Wright, Fire Chief Mark Mathews, and City Recorder Ruth Rohen. There were no citizen attendees.

1. Mayor Pierce advised that there is a resolution on the agenda tonight to authorize the Chief of Police to sign an interagency agreement for the Police Department to participate in the Child Protective Investigative Team. Chief Wright explained that this is an agreement between area law enforcement agencies, the District Attorney's Office and Child Protective agencies to investigate and prosecute child abuse cases. It was noted that the CPIT has been in place for several years and that the City has already been participating. The processes are now being formalized. He explained that Detective Steve Hope will be Red Bank's assigned officer on the Team.
2. Mayor Pierce explained that there is a Public Hearing and first reading of the new sign ordinance on the agenda tonight. There was some discussion in regard to the yearly maintenance fee for off-premise signs.
3. City Manager Thornbury advised that there is a resolution on the agenda tonight to authorize the Police Department to apply for a grant through the American Auto Association. If approved, grant funds will be used to purchase equipment to aid in reduction of distracted driving. He explained that the grant is 100% funding and would require no local match.
4. City Manager Thornbury advised that there is a resolution on the agenda tonight to approve a bid for Brown Brothers in regard to the Hamilton County WWTA Phase II Sewer Rehabilitation Project. He advised that all funding for the project is being paid for by a Community Development Block Grant and Hamilton County WWTA.
5. Commissioner Rose suggested development of a long-term beautification plan for the city. She suggested ways to incentivize businesses to plant trees and landscaping through grant funding.
6. City Manager Thornbury gave updates on the old middle school property, the process he is taking to hire a Chief of Police, renovations to the new City Hall, and installation of a gas main on Ashland Terrace.
7. Small City Coalition representative, Bridgett Raper, provided information to the Commissioners in regard to several Bills that are being introduced that may effect municipalities.

The meeting was adjourned at 5:45 p.m.

Mayor

City Recorder

BOARD OF COMMISSIONERS' MEETING

Minutes

March 5, 2019

6:00 p.m.

- I. **Call to Order** –Mayor Pierce called the meeting to order at 6:00 p.m.
- II. **Roll Call** – City Manager Thornbury called the roll. Mayor Pierce, Vice Mayor Pope, Commissioner Jenó and Commissioner Rose were present. Commissioner LeCompte was absent. Also present were City Attorney Arnold A. Stulce Jr., Fire Chief Mark Mathews, Interim Police Chief John Wright, City Recorder Ruth Rohen and those listed on Exhibit A.
- III. **Invocation** – Mayor Pierce gave the Invocation.
- IV. **Pledge of Allegiance** – Fire Chief Mark Mathews led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
 - A. **February 19, 2019 Agenda Work Session**
 - B. **February 19, 2019 Commission Meeting**

Commissioner Jenó made a motion to approve both sets of minutes as printed, second by Vice Mayor Pope. Both sets of minutes were approved with all Commissioners voting “yes”.

VI. Communication from the Mayor

- Welcomed all.

VII. Commissioners Report

- **Vice-Mayor Terry Pope**
 - Welcomed everyone
 - Attended the most recent Planning Commission meeting.
- **Commissioner Ruth Jenó**
 - Welcomed all.
 - Advised that the Commission will be presenting a certificate to a Red Bank resident that is turning 100 years old. She advised that he was a POW during the time he served in World War II.
- **Commissioner Ed LeCompte**
 - Absent
- **Commissioner Carol Rose**
 - Welcomed all.

VIII. City Manager Report –

Welcomed everyone. Several ongoing projects were discussed, including sidewalk installation, traffic signal improvements and paving which will enter the construction phase soon.

IX. Public Hearing

A. The purpose of the Public Hearing was to receive citizen input in regard to the adoption of a new Red Bank Sign Ordinance.

Mayor Pierce explained that the city has been in the process of a comprehensive review of its sign ordinance. He advised that this study was done in an effort to update regulations

pertaining to sign types, sizes and locations that are allowable in the city. Mayor Pierce advised that the Planning Commission reviewed the new proposed sign ordinance on two separate occasions and has recommended approval. Mayor Pierce invited citizen comments, of which there were none. After no further comments, the Public Hearing was closed.

X Unfinished Business –

A. ORDINANCE NO. 19-1146 – AN ORDINANCE GRANTING A FRANCHISE TO ZAYO GROUP, LLC. FOR THE PURPOSE OF ALLOWING IT TO CONSTRUCT, INSTALL AND OPERATE CERTAIN TELECOMMUNICATIONS WIRES AND CABLING WITHIN THE PUBLIC RIGHT-OF-WAY IN ORDER TO PROVIDE TELECOMMUNICATIONS SERVICES WITHIN THE CITY, SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE PUBLIC RIGHT-OF-WAY IN CONJUNCTION WITH THE CITY’S RIGHT-OF-WAY ORDINANCES, AND PRESCRIBING PENALTIES AND REMEDIES FOR THE VIOLATIONS OF THE PROVISIONS HEREOF (SECOND AND FINAL READING)

City Manager Thornbury explained that this ordinance will authorize a franchise agreement with Zayo Group that will allow them to install fiber optic cable on city owned right of way. He advised that the fiber optic cables are for telecommunications purposes. Commissioner Rose made a motion to approve the ordinance, second by Commissioner Jenó. There were no citizen comments. *Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner Rose “yes”.* Ordinance No.19-1146 was approved on second and final reading with all Commissioners present voting “yes”.

XI. New Business

A. ORDINANCE NO. 19-1147 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO REPEAL THE EXISTING RED BANK SIGN ORDINANCE, CODIFIED AT RED BANK CITY CODE, TITLE 9, CHAPTER 8, SECTION 9-801 ET SEQ. AND TO ADOPT IN ITS PLACE AND STEAD THE RED BANK SIGN ORDINANCE, ALSO TO BE CODIFIED AT TITLE 9, CHAPTER 8, SECTION 9-801 ET SEQ. OF THE RED BANK CITY CODE (FIRST READING)

Mayor Pierce explained that this item was discussed during the earlier Public Hearing. He advised that if the ordinance is approved it will replace the current sign ordinance. He advised that the Planning Commission reviewed the proposed sign ordinance and recommended approval. Mayor Pierce advised that Section 9-808 Paragraph 3 deals with yearly inspection fees for off-premise signs. He advised that he feels this fee is unnecessary and that the city has Code Enforcement to address any issues that arise with signs, whether they are on or off premise. Mayor Pierce made a motion to amend the ordinance by removing Section 9-808 Paragraph 3 and approve the ordinance as amended, second by Vice-Mayor Pope. There were no citizen comments. *Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner Rose “yes”.* Ordinance No.19-1147 was approved on first reading with all Commissioners present voting “yes”.

B. RESOLUTION NO. 19-1281 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE AMERICAN AUTOMOBILE ASSOCIATION WITH RESPECT TO THE 2019 TRAFFIC SAFETY GRANT FOR THE POLICE DEPARTMENT

Mayor Pierce explained that this resolution will authorize the Police Department to apply for grant funding through the American Automobile Association’s 2019 Traffic Safety Grant. He advised that. If awarded, grant funds will be used in the department’s Distracted Driving Program. Commissioner Rose made a motion to approve the resolution, second by Commissioner Jenó. There were no citizen comments. Resolution No. 19-1281 was approved with all Commissioners present voting “yes”.

C. RESOLUTION NO. 19-1282 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE CHIEF OF POLICE TO SIGN AN INTERAGENCY AGREEMENT WITH RESPECT TO PARTICIPATION IN THE CHILD PROTECTIVE INVESTIGATIVE TEAM OF HAMILTON COUNTY, TENNESSEE

Mayor Pierce advised that this resolution will authorize the Chief of Police to sign an interagency agreement with area law enforcement, the District Attorney’s Office, Child Protective Agency and

the Children's Advocacy Center to aid in investigation and prosecution of child abuse cases. It was noted that the CPIT has been in place for several years and that the City has already been participating, the processes are not being formalized. Commissioner Jeno made a motion to approve the resolution, second by Vice-Mayor Pope. Resolution No. 19-1282 was approved with all Commissioners present voting "yes".

D. RESOLUTION NO. 19-1283 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, 2017 COMMUNITY DEVELOPMENT BLOCK GRANT SEWER SYSTEM IMPROVEMENTS PHASE II NOTICE OF AWARD AND AUTHORIZING ADDITIONAL MATCHING FUNDS

Mayor Pierce advised that this resolution is in regard to awarding a construction bid to Brown Brother's for sewer system repairs to the Hamilton County WWTA owned sewers located in Red Bank. He advised that all repairs will be paid for by grant funding through a Community Development Block Grant and by Hamilton County WWTA with no Red Bank funding required. It was noted that WWTA has overseen the planning, bidding and award processes and recommends that the Brown Brothers bid is the best responsive bid based on many factors that WWTA deems essential to the process. Vice-Mayor Pope made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 19-1283 was approved with all Commissioners present voting "yes".

XII. Citizen Comments –

Ray Towers, 212 Woodrow Ave., Asked the City to consider installing a guardrail along Ashland Terrace where it abuts his property. He advised that his fence has been knocked down several times due to vehicle accidents and he believes a guardrail would prevent that from happening.

XIII. Adjournment

The meeting was adjourned at 6:15 p.m.

Mayor

City Recorder Ruth Rohen

ORDINANCE NO. 19-1147

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO REPEAL THE EXISTING RED BANK SIGN ORDINANCE CODIFIED AT RED BANK CITY CODE TITLE 9, CHAPTER 8, SECTIONS 9-801 ET SEQ. AND TO ADOPT IN ITS PLACE AND STEAD THE RED BANK SIGN ORDINANCE, ALSO TO BE CODIFIED AT TITLE 9, CHAPTER 8, SECTIONS 9-801 ET SEQ. OF THE RED BANK CITY CODE

WHEREAS the City Administration has identified the need to update and revise the existing as currently codified at Red Bank City Code Title 9, Chapter 8, Section 9-801 et seq. of the Red Bank City Code; and

WHEREAS, the Red Bank Planning Commission has reviewed and had significant input into the review of the existing sign regulations, administrations and employment ordinance and has provided an opportunity to submit comments in favor of or against the new proposed Sign Ordinance as set forth hereafter all at an advertised public hearing held in conjunction with its regular meeting on February 21, 2018

WHEREAS, the Red Bank Planning Commission has recommended approval of the revisions and amendments hereafter set forth, and

WHEREAS, the City Commission provided an opportunity to submit comments in favor of or against the new and Amended Sign regulations Ordinance at an advertised public hearing on March 5, 2019, prior to the final reading of this ordinance.

WHEREAS, the City of Red Bank has reviewed and had significant input into the review of the existing sign regulations, administrations and employment ordinance and has provided an opportunity to submit comments in favor of or against the new proposed Sign Ordinance as set forth hereafter all at an advertised public hearing held in conjunction with its regular meeting on March 5, 2018

WHEREAS, the City Commission enacts this Ordinance with the following purposes and findings:

- (a) Purposes. The following purposes have been considered and agreed to:
- (1) To protect the rights of individuals and businesses to convey their messages through signs;
 - (2) To encourage the effective use of signs as a means of communication;
 - (3) To promote economic development;
 - (4) To improve traffic and pedestrian safety as it may be affected by distracting signs; in general and signs with moving parts and displays, signs with variable and changing content and those with light emitting (as opposed to light reflecting) functions and displays in particular.

(b) The City Commission finds in enacting this Ordinance:

(1) There hereinafter provisions are necessary and appropriate to protect and enhance public safety, to improve the aesthetics of the City and promote quality of life; and

(2) That signs are a proper use of private property, are a means of personal free expression and being reasonably regulated are an appropriate component of a commercial environment. As such, signs are entitled reasonable protection of the law. In the absence of reasonable regulation, however, the number of such signs tends to proliferate, with property owners tending to desire ever increasing numbers and sizes of signs with moving photos and flashing lights, light emitting technology and ever increasing intensity which are or can be distracting to motorists and conducive to distraction of the aesthetics of the City and/or intrusive on the general overall qualities of life in the City, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

(3) That the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to ensure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.

(4) That there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The city commission finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

(5) That some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon

the function it serves within the context of this article, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

(6) That the public safety is of compelling importance and that signs distracting to motorists, pedestrians, bicyclists and the general public are not generally conducive to the protection of such concerns and should be reasonably and appropriately regulated, as to size, brightness/luminosity and particularly with regard to perceptions of “movement” and changes of content, color, motion as perceived by the human eye of flashing lights, moving characters or flashing lights of any kind or sign content that changes either rapidly or at intervals.

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

SECTION 1: The existing Red Bank Sign Ordinance as codified at Red Bank City Code Title 9, Chapter 8, Section 9-801 et seq., is hereby REPEALED in its entirety, and there in substituted in its place and stead, at Title 9, Chapter 8, Section 9-801 et seq., the following:

SECTION 2: This Ordinance shall be known and cited as the RED BANK SIGN ORDINANCE.

SEE EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

BE IT FURTHER ORDAINED, that 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.

FINALLY, BE IT ORDAINED that this ordinance shall take effect from and after the date of its final passage, the public welfare of the City of Red Bank, Tennessee requiring it.

MAYOR

CITY RECORDER

March 5, 2019

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY

CHAPTER 8

ADVERTISING SIGNS, ADMINISTRATION, AND ENFORCEMENT

SECTION

- 9-801. Exemptions from and applicability of Chapter.
- 9-802. Definitions.
- 9-803. License required for erecting Off-premise signs or On-premise signs.
- 9-804. Reserved.
- 9-805. Disposal of glue, paste, waste material.
- 9-806. Permit required to erect, maintain signs.
- 9-807. Application for sign permit; notification to building inspector; expiration and renewal of permits.
- 9-808. Schedule of Permit Fee's; No permits are to be issued in violation of any ordinances; approval of City Manager; yearly maintenance and safety inspection fee; inventory of certain existing signs.
- 9-809. Power to revoke permit; remedies for violation.
- 9-810. Owner's name required on off-premise signs.
- 9-811. Non-conforming.
- 9-812. Violation declared misdemeanor; penalty.
- 9-813. Violations declared nuisances; pre-existing violations.
- 9-814. Notice requiring abatement of violation; abatement by City lien for costs.
- 9-815. Appeals.
- 9-816. Obscene displays on signs.
- 9-817. Signs over streets, sidewalks; where other advertising prohibited.
- 9-818. Change of sign classification - removal.
- 9-819. Signs distracting to motor vehicle operators prohibited.
- 9-820. General off-premise sign regulations.
- 9-821. Billboards and Digital Billboards.
- 9-822. Scenic Areas and Scenic Corridors.
- 9-823. Scenic Corridor areas.
- 9-824. Scenic Corridors established.
- 9-825. Off-premise signs along Scenic Corridors or within Scenic areas prohibited.
- 9-826. Prohibited on premise signs and devices.
- 9-827. Authorized use of temporary signs, banners and special events.
- 9-828. Removal of temporary signs.
- 9-829. Balloon signs.
- 9-830. Banners.
- 9-831. Special events.
- 9-832. General regulation of permanent Monument on premise signs.
- 9-833. Number and size of permitted Monument on premise signs
- 9-834. Maximum size limitations for Monument signs
- 9-835. Set-back requirements for Monument signs.
- 9-836. General regulation of permitted, On-premise pole signs.
- 9-837. Number and size of permitted On-premise pole signs.

- 9-838. Maximum size limitations for On-premise pole signs.
- 9-839. Set-back requirements for On-premise pole signs.
- 9-840. Minimum and Maximum height limitations for On-premise pole signs.
- 9-841. Traffic directional signs.
- 9-842. Directional signs on Hospital premises
- 9-843. Maintenance of On-premise signs
- 9-844. Flags
- 9-845. Compliance and corrective provisions.
- 9-846. Various building and safety codes applicable.
- 9-847. Political signs regulated.
- 9-848. Set-back variances and procedures.
- 9-849. Premises Identification
- 9-850. Sign Illumination

9-801. Exemptions from and applicability of chapter.

- (1) Nothing in this chapter shall apply to any notice required by this code or other ordinances of the city or legal notices of public officers and attorneys, posted in the manner and places provided by law, or to the right of any newspaper to distribute its paper throughout the city.
- (2) Nothing contained herein is intended to conflict with the provisions of the Red Bank Zoning Ordinance as now enacted or hereafter amended except that the provisions of 9-822 through 9-825 are intended to provide that, notwithstanding provision in the zoning ordinance that would otherwise permit the erection and maintenance of on premise and/or off-premise signs in a zone or zones, the provisions of 9-822 through 9-825 shall override the permissive provisions of the zoning ordinance currently located in zones where such uses are currently permitted by the zoning ordinance.

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

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the city zoning ordinance, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

- (1) “Abandoned sign” Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

(2) **“Animated illumination or effects”** Illumination or effects with action, motion, moving characters or flashing lights. This may require electrical energy, but shall also include wind-actuated devices. This definition includes light emitting diode (LED) and/or electronic variable message center (EVMC) signs and digital signs and digital message centers. Specifically included is any motion picture or video mechanism used in conjunction with any sign structure in such a manner as to permit or allow the images to be visible from any public right-of-way.

(3) **"Attached sign"** Attached sign shall mean a non-digital on premise sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen (18) inches from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen (18) inches from a building, canopy, awning, marquee or mechanical equipment shall be considered a "projecting sign." For the purposes of this definition only, "canopy" shall mean a canopy which is permanently attached to a building or which, if detached from a building, has more than two hundred (200) square feet of roof area.

(4) **“Auxiliary Signs”** Are signs that operate by incandescent light bulbs, Neon tube lights, or digital LED technology such as open signs, lottery signs or similar that are attached to the outside or inside of the window facade or within 5 feet of the inside or outside of the window.

(5) **"Awning"** Awning shall mean a roof-like cover providing protection from the weather placed over or extending from above any window door or other entrance to a building but excluding any column, pole, or other supporting structure to which the awning is attached.

(5)A **“Awning signs”** Awning sign shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

(6) **"Balloon sign"** Balloon sign shall mean any sign painted or printed onto or otherwise attached to or suspended from a balloon, or other inflatable device, whether such balloon or device is anchored or affixed to a building or any other portion of the premises or tethered to and floating above any portion of the premises. Section 9-829

(7) **"Banner"** Banner shall mean an on premise or off-premise sign which is made of fabric, paper, plastic, vinyl or any material and which has no enclosing framework or internal supporting structure but not including balloon signs. Section 9-830

(8) "Billboards" Are considered off-premise signs, Section 9-822 through 9-825 also Section 14-403 of the Red Bank Zoning Ordinance limits the number of billboards permitted within the City. Digital Billboards are prohibited in the City of Red Bank, section 9-821

(9) "Building" Building shall mean any structure that encloses a place for sheltering any occupancy that:

(a) Contains not less than three hundred (300) square feet of enclosed space at the ground level

Or

(b) Is routinely used for human occupancy in the ordinary course of business.

(10) "Building identification sign" Building identification sign shall mean an on-premise sign which is limited to the identification of the name of the building and/or the address of the building upon which such sign is located.

(11) "Canopy" Canopy shall mean a marquee or permanent roof-like structure providing protection against the weather, whether attached to or detached from a building, but excluding any column, pole or other supporting structure to which the canopy may be attached.

(12) "Changeable copy sign" Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually. Digital signs are included in the description of changeable copy sign.

(13) "Construction sign" Construction sign shall mean any temporary on-premise sign located upon a site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of thirty-two (32) square feet in sign area.

(14) "Detached sign" Detached sign shall mean:

(a) Any freestanding self-supported unattached sign that has a permitted sign area of 32 square feet or less. See portable signs, temporary signs. Any detached signs which utilize digital technology is prohibited in the City of Red Bank.

(b) Any sign attached to a structure which is not a building is considered a snipe sign.

(15) **"Digital Billboard"** A Digital Billboard is an "off-premise" billboard sign that is digital in nature and uses LCD, LED, or similar electronic technology for providing changeable content to the billboard with a single message or any number of messages in sequence. Digital billboards are not permitted within the City of Red Bank

(16) **"Digital Message Center"** Any on premise electronic sign that conveys information using electronic technology. Also known as a digital changeable copy sign, which may be no larger than 16 square feet in sign area.

(17) **"Digital Signs"** Crystal Display (LCD) or Light Emitting Diode (LED) or any light emitting technology for graphically moving changeable context or display. Digital Signs are synonymous with animated illumination or effects, changeable copy signs, electronic signs, digital billboard, digital message center.

(18) **"Electronic sign"** A sign whose message may be changed at intervals by electronic process or by remote control, including the device known as a commercial electronic variable message sign. Digital signs, changeable copy signs and animated illumination signs are included within this definition of electronic signs.

(19) **"Electronic sign, stationary"** A sign, kept constant in intensity when in use, which does not exhibit sudden or marked changes in lighting effects, and which does not exhibit any other changes of any nature within any continuous one-minute time interval.

(20) **"Erect"** Erect means to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs on building surfaces.

(21) **"Facade"** Facade shall mean the total internal, external surface, vertical side of a building, window, canopy, awning, or mechanical equipment used to dispense a product outside or inside of a building. If a building, canopy, awning, or mechanical equipment has a non-rectangular shape, then all walls of surfaces facing in the same direction, or within twenty-five (25) degrees of the same direction, shall be considered as part of a single facade. Additionally, any portion of the surface face of a mansard, parapet, canopy, window, marque or awning which is oriented in the same direction (or within twenty-five (25) degrees of the same direction) as the wall to which, or over which, such mansard, parapet, canopy, marquee, or awning is mounted shall be deemed a part of the same facade as such wall.

(22) "**Facing and surface**" Facing and surface mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

(23) "**Flashing**" Includes illumination which is not kept constant in intensity at all times when in use and which exhibits sudden or marked changes in lighting effects, content or display.

(24) "**Foot-candle**" A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.

(25) "**Freestanding sign**" Freestanding sign shall mean a single faced or multi-faced sign which is constructed independent of any building and supported by any means. Freestanding signage may not be digital in nature. No on premise freestanding sign shall have a sign area greater than one hundred seventy five (175) square feet and shall not be digital in nature and no off-premise sign shall have a sign area greater than two hundred eighty eight (288) square feet and shall not be digital in nature.

(26) "**Gross surface area of sign**" Gross surface area of sign means the entire area defined by the limits of the perimeter of a sign. However, such perimeter shall not include any structural elements lying outside or inside of the limits of such sign and not forming an integral part of the display.

(a) For computing the area of any wall sign which consists of letters, trademarks or symbols mounted on a wall, the gross surface area shall be the area within a single continuous perimeter formed by the parallel lines at the top, bottom and sides of such letters, trademarks or symbols.

(b) For computing the area of any multi-sided sign, the gross surface area shall refer to all sides of such sign.

(27) "**Height**" Height shall mean the total measurement of the vertical side of the rectangle which is used to calculate "sign area" as specified in Section 9-802.

(28) "**Illuminated sign, external**" A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates in content or intensity.

(29) "**Incidental sign**" Incidental sign shall mean an on premise sign, emblem or decal mounted flush with the inside or outside of the building or window facade to which it is attached and not exceeding two (2) square feet in sign area informing the public of facilities or services available on the premises (e.g., a credit card sign, ice machine sign, vending machine sign or a sign indicating hours of business) or an on-premise sign which is affixed

to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area. These signs are not calculated in the total window facade calculation.

(30) **"Inflatable or air-supported signs"** Inflatable or air supported signs means structures which are used for advertising promotional purposes which are supported by air. This shall include but shall not be limited to balloons or dirigibles and is synonymous with "balloon signs." Section 9-827 and 9-839.

(31) **"Landmark sign"** Landmark sign shall mean any on premise sign which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a Certified Historic Structure, is listed as a National Monument or is listed under any similar state or national historical or cultural designation.

(32) **"Liquor Store Signs"** See Title 8 Section 8-128 through 8-129 of the Municipal Code for liquor store signs regulations.

(33) **"Lumen"** A quantitative unit measuring the amount of light emitted by a light source.

(34) **"Maintenance"** Maintenance means the replacing or repairing of a part of a sign made unusable or unsightly by ordinary wear and tear damage or the reprinting or repainting of existing copy without changing the wording, composition or color of the sign as it was approved.

(35) **"Mansard"** Mansard shall mean the lower portion of a roof with two pitches, including a flat-top roof with a mansard portion.

(36) **"Mansard sign"** Mansard sign shall mean any sign attached to the mansard portion of a roof.

(37) **"Marquee"** Marquee shall mean a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

(38) **"Message center"** Message center shall mean an on premise sign that changes messages automatically on a lamp bank or through digital technology or a mechanical means also known as a commercial electronic variable message sign and which shall have a sign area of no greater than 16 square feet.

(39) **"Mobile Digital Billboard"** Mobile digital billboard shall mean an off-premise billboard sign mounted upon a movable device such as truck, trailer, or similar device that is digital in nature and uses LCD, LED, or similar electronic technology for providing

changeable content to the billboard with a single message or any number of messages in sequence. These signs are not permitted within the City of Red Bank.

(40) **"Monument Sign that has no more than two (2) Occupants"** An on premise sign that is not Digital in nature that is ground mounted with no larger than 32 square feet in sign area and 6 feet in height and as to which there is either no space or no more than 24" inches (2 feet) between the ground and the bottom of the sign structure. Section 9-832 through 9-835.

(41) **"Monument Sign that has more than two (2) Occupants"** An on premise sign that is not Digital in nature, ground mounted with no larger than 100 square feet in sign area and no greater than 8 feet in height and as to which there is no more than 24" inches (2 feet) of space between the ground and the bottom of the sign structure. Section 9-832 through 9-835.

(42) **"Obscene"** Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as:

- (1) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
- (2) Acts of masturbation;
- (3) Acts involving excretory functions or lewd exhibition of the genitals;
- (4) Acts of bestiality or the fondling of sex organs of animals; or
- (5) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

(43) **"Occupant"** Occupant shall mean each separate person which owns or leases and occupies a separate portion of a premises, whether it be individuals, businesses or services.

(44) **"Off-premise sign"** Off-premise sign shall mean a freestanding sign not in excess of 288 square feet of sign area that is not digital in nature or a portion thereof which directs attention to a business, profession, commodity or entertainment which is not primarily conducted, sold or offered upon the same premises on which the sign is located and shall include any sign which is not an "on premise" sign. Digital Signs are prohibited. Sections 9-820 through 9-825.

(45) **"On-premise sign"** On-premise sign shall mean any sign that is not in excess of 32 square feet of sign area ~~or~~ and that is not digital in nature whose content relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services, entertainment or activities conducted on or offered from or on those premises, or the sale, lease, or construction of those premises. Section 9-836 through 9-940. Except for Reader Boards, Message Centers and Monument Signs.

(46) **"Owner."** Owner means any person or persons having legal title to any sign, property, building, structure or premises, with or without accompanying actual possession thereof, and shall include such person's duly authorized agent or attorney, a purchaser, devise, lessee, executor, trust officer, administrators or fiduciary and any person having a vested or contingent interest or control of or in the sign, property, building structure or premises in question. The term "person" shall include any legal entity.

(47) **"Person"** Person shall mean individual, company, corporation, association, Limited Liability Company, partnership, joint venture, business, proprietorship, or any other legal entity.

(48) **"Pole Signs"** Are Freestanding On Premise signs or Off-Premise signs. See definitions for freestanding signs, Off-Premise signs Section 9-820 through 9-825 and On-Premise signs Section 9-832 through 9-840. Digital signs that are pole mounted are prohibited. Except See Reader Boards Message Centers.

(49) **"Portable sign"** Portable sign shall mean any on premise sign which is not affixed to real property in accordance with the city's then applicable building codes which is intended to be or can be removed at the pleasure of the owner, including, without limitation, single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs, wind aided, and balloon signs. Section 9-827 through 9-828. Portable signs that utilize digital technology are not permitted in the City of Red Bank.

(50) **"Premises"** Premises shall mean all contiguous land in the same ownership which is not divided by any public highway, street or alley, or right-of-way and therefore shall be synonymous with the terms tax parcel or lot of record.

(51) **"Projecting sign"** Projecting sign shall mean an on premise sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance or more than eighteen (18) inches, provided, however, that no projecting sign shall extend horizontally from the building more than eight (8) feet at the greatest distance. Projecting signs that utilize digital technology are not permitted in the City of Red Bank.

(52) **"Public interest directional markers"** A small, off-premise (no more than two (2) square feet total area) non-illuminated and non-electrified directional placard or sign directing pedestrian and/or vehicular traffic toward public buildings, hospitals, places of worship, public libraries, public museums, public parks, cemeteries, and/or other public facilities.

(53) **"Public right-of-way or right-of-way"** Public right-of-way or right-of-way means all of the land included within an area which is dedicated, reserved by deed or granted by easement for a street, alley, walkway, parkway, or easement, in which the public, public agencies, utilities and service have access.

(54) **"Reader board"** Reader board shall mean any on premise sign that is or is not digital in nature attached to or made a part of the support system of a Freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located such as "Deli Inside," "Tune-Ups Available", "Year-End Special" Reader board signs are limited to a sign area no larger than 16 square feet.

(55) **"Rigid materials"** Rigid materials means a material or composition of materials which cannot be folded and can support its own weight when rested upon parallel edges of such materials.

(56) **"Roof sign"** shall mean an attached or projecting sign, which does not utilize digital technology and which is not a digital sign.

- (a) Which is placed on top of or over a roof, excluding the mansard portion of a roof, or is attached to any flagpole, antenna, elevator housing facilities, air conditioning towers or coolers, or other mechanical equipment on top of a roof,
- (b) Any portion of which extends above the top of the wall, canopy or awning to which such sign is attached, or
- (c) Any portion of which extends above the top of the mansard.

(57) **"Scenic corridor"** Scenic corridor shall mean those land areas within the city limits which lie within six hundred sixty (660) feet of either side of the outermost edge of any of the roads, rivers, or rights-of-way more specifically designated in 9-822 through 9-825, which are either of uncommon visual importance or scenic attractiveness.

(58) **"Sign"** Sign shall mean any structure or wall or device or other object that is or not digital in nature used for the display of any message or messages; such term shall include without limitation any structure, display, device or inscription which is

located upon, attached to, or painted or represented on any land, on any building or structure, on the outside of a window, or on an awning, canopy, marquee, or similar appendage, and/or which displays or includes in any manner designed or intended or which can be seen from out of doors, any message or messages, numeral, letter work, model, emblem insignia, symbol, device, (including without limitation balloons, blimps, or other similar or dissimilar devices) light projected images, trademark, or other representation or platform or background of any kind used as, or in the nature of, an announcement, advertisement, attention arrester, warning or designation of any person, firm, group, organization, place, community, product, service, location, businesses, profession, enterprise or industry. Provided, however, that the following shall be excluded from this definition:

- (a) Address/name signs A sign, not exceeding 1 square foot in area, identifying the name or house number of the occupant or the presence of a permitted home occupation.
- (b) Any message or messages on the clothing of any person or on motor vehicles unless otherwise prohibited in accordance with 9-826 hereof.
- (c) Incidental signs Are signs placed in store windows regarding hours of operation, accepted charge cards, warnings or similar information that are not digital in nature. These signs are not included in the 25% calculation of the total window facade.
- (d) Business nameplates Non-illuminated nameplates not exceeding 1 square foot which denote the business name of an occupation legally conducted on the premises. Only 1 nameplate per proprietor shall be permitted.
- (e) Construction signs one sign per street frontage not exceeding 32 square feet in area. Such signs may indicate the architect, engineer contractor and can be installed upon receipt of a building permit and removed upon the issuance of a certificate of completion.
- (f) Flags and pennants Flags and pennants at educational, governmental, or charitable institutions which are not displayed for commercial purposes and are not greater than 50 square feet in size. A maximum of 4 flags or pennants per site may be displayed. The pole height shall be limited to the zoning district height limitation.
- (g) Garage sale signs advertising garage sales, yard sales, or house

sales, on the day(s) that the sale is actually taking place, which do not exceed 4 square feet. No more than 2 signs per sale shall be permitted, with 1 sign per street frontage on the premises.

- (h) Government signs Traffic signs, regulatory signs, municipal sign, legal notices, railroad crossing signs, danger signs, and such temporary emergency or noncommercial signs as may be approved by the City manager or his/her designee, governmental banners whether decorative or informational in nature.
- (i) Gravestones
- (j) Historical site plaques
- (k) Inside and outside faces of scoreboard sponsor's signs, fences, or walls at athletic fields
- (l) Interior signs which are located on the interior of premises and which are primarily oriented to persons within the premises.
- (m) Monuments/ Plaques, tablets, cornerstones, or lettering inlaid into the architectural materials of a building or structure not exceeding four (4) square feet, denoting the name of that structure and date of erection.

Promotions/special displays a non-animated display or promotion, including the use of bunting, flags or pennants, which shall be permitted for three (3) periods in each calendar year for a maximum of ninety (90) days. A separate permit for such display or promotion shall be required for each instance of its use but no more than (2) two displays at any one time will be permitted. The display of American flags shall be allowed on a permanent or temporary basis without a permit, provided that each flag does not exceed 24 square feet. The pole height shall be limited to the zoning district.

- (n) "Real estate signs" Signs pertaining to the sale, rental, management or lease of real property, referred to in this section as "real estate signs," subject to the following conditions:
 - (1) Real estate signs shall be non-illuminated, and no more than 1 sign per street frontage shall be posted on any property.
 - (2) No real estate sign pertaining to residential property may contain more than 4 square feet, excluding the post. When

computing the 4-square-foot area, any marking or symbol which identifies a real estate licensee or group of real estate licensees shall be included.

- (3) A placard stating "Open House" may be temporarily erected on or above a residential sign on the subject property and 1 off-premise directional sign may be permitted on private property.
- (o) Signs or flags Signs or flags erected, provided, owned, authorized or required by duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, legal notices, or warnings at railroad crossings.
- (p) The display of street numbers.

(59) "Sign Area"

Sign area shall mean for all signs except on premise attached signs (as defined in section 9-802, the area within the rectangle (or any other geometric configuration) which is defined by the larger of (4) lines which include the outer extremities of all letters, figures, characters, messages, graphics or delineations on the sign structure, or (5) lines which include the outer extremities of the framework or background of the sign structure or device, without limitation. The support for the sign background, if it be columns, a pylon, or a building or part thereof, shall not be included in the sign area unless it forms a part of the message of the sign to which it is attached. Other devices such as balloons, inflatables, etc. shall be included in the sign area, whether or not forming a part of the message of the sign. On any sign structure which has multiple sign faces, any sign faces which are separated by an angle of less than sixty (60) degrees as measured from the rear of each sign face, shall be counted separately in computing sign area; if the angle of separation of the backs of sign faces exceeds sixty (60) degrees, then all such faces shall be included together in the computations of any sign area. The sign area of a sign made of individually cut out letters is the area of the rectangle necessary to enclose all such letters. For off-premise signs shall not have a sign area larger than two hundred eighty eight (288) square feet and on premise pole signs no larger than one hundred seventy-five (175) square feet. See Monument Signs for sign area-limitations.

- (a) For attached on premise signs, the foregoing definition of subparagraph (a) shall also apply, except that if any word, symbol, or group of words or symbols which would otherwise be included within the rectangle defined above are separated from another word, symbol or group of words or symbols by a distance of greater than three (3) times the height of the largest letter or symbol within such word, symbol, or group of words or symbols, then separate rectangles

may be used to calculate sign area, and the total of all such rectangles shall then be considered as the "sign area."

(b) The foregoing definition is applicable to all signs and when used in the context of a maximum or "not to exceed" sign area has reference to the sign area facing in any one direction. If a particular sign or sign structure faces in more than one (1) direction the maximum sign area or the "not to exceed" area refers to each side of a sign and not to the total sign area of the combined faces of the sign.

(60) **"Snipe sign"** Snipe sign shall mean any on premise sign that is electrically illuminated, including neon tube lights or any style of LED digital lights or sign for which a permit has not been issued which is attached in any way to a building facade, window façade, inside or outside of the window or within five (5) feet of the inside or outside of the window or building. Including utility poles, trees, rocks, fences or post of any kind or similar in character. Except window signs will be allowed for no more than 25% percent of the total window facade area. Auxiliary signs shall be included in the 25% calculation of the total window facade area. Incidental signs are not included in the 25% calculation of the total window facade area. See definitions for Window signs, Auxiliary signs, and Incidental signs. Section 9-827 through 9-828.

(61) **"Special event"** Special event shall mean a short-term event of unique significance not in excess of ten (10) days; such term shall include only sales events, business grand openings, health-related promotions or health-related service programs (i.e., flu shot clinic, blood donation drives, chest x-ray clinic, etc.), going-out-of-business sales, promotions sponsored by a governmental entity, fairs, school fairs, school bazaars, charity runs, festivals, religious celebrations, and charity fundraisers, and shall not include other sales or promotions in the ordinary course of business. Section 9-827 through 9-830

(62) **"Sport facilities, Field or team sponsorship signs, Scoreboards, Message boards and Banners"** Are on premise banners or structures with a sign face attached upon them which list names of sponsors or advertisements. Banners, message boards, and other similar signs are on premise only.

(63) **"Stationary vehicle signs"** Motorized vehicles or equipment of any type including trucks, cars, tractors, trailers, motor homes, or any other similar vehicle or equipment that has been placed on or off premise for the purpose of advertising a business, product, service, event, or individual.

(64) **"Temporary sign"** Temporary sign shall mean any on premise sign permitted specifically and exclusively for a temporary use as allowed under the provisions of Section 9-827 through 9-830.

(65) "Visibility Triangle" Shall mean all signs located near the corners of an intersection, and shall be located outside of the sight distance triangle. Such triangle shall be measured at a distance of 25 feet running parallel along each leg of the road right-of-way connecting them to form a triangular area. This area shall be free of any permanent or temporary signs that may inhibit a clear sight line for motorists.

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

(67) "Width" Width shall mean the total measurement of the horizontal side of the rectangle or other geometric figure which is used to calculate "sign area" as specified in Section 9-802.

(68) "Window Signs" Any sign placed on either the internal or external surface of a window or within 5 feet of the inside or outside of the building or window façade. Window Signs may not exceed 25% of each window's total facade area. These signs are also known as Snipe signs, Auxiliary signs, and Incidental signs Section 9-802.

9-803. License required for erecting off-premise signs and on premise signs. No person shall carry on the business of erecting or posting or maintaining off-premise signs or on premise signs (as defined in 9-802) without having secured a business license from the city to carry on such business. Persons holding a license under the provisions of this section of the Red Bank Municipal Code which formerly regulated this activity shall have a grace period of sixty (60) days after final passage of this chapter to obtain a new license.

9-804. Reserved.

9-805. Disposal of glue, paste, waste material. No person shall scatter, daub or leave any glue, paste, adhesive material or other like substance for affixing signs upon any street or sidewalk or public right of way or scatter or throw any old signs or waste material resulting from the erection or maintenance of signs or removal from signs on the surface of any public property, street or sidewalk or upon any private property.

9-806. A. Permit required to erect, maintain sign. Except as specified in subsection (2) of this section, any person must obtain a sign permit from the building inspector prior to the erection, installation, or material alteration of any sign. As used in the preceding sentence, the term "material alteration" shall mean any change in:

- (1) The height of a sign,
- (2) The sign area of a sign,
- (3) The location of a sign,
- (4) The supporting structure of a sign,
- (5) The number of words in excess of six (6) inches in height for an attached sign,
- (6) Addition of any digital sign or light emitting technology or capability, Such term shall not include routine maintenance and repair or electrical work only for which an electrical permit must be obtained. Such sign permit shall be obtained in addition to any building permit otherwise required by this code.

B. No sign permit shall be required for any of the following on premise signs:

- (1) Construction signs, as defined in 9-802.
- (2) Incidental signs, as defined in 9-802.
- (3) Signs advertising the sale or lease of real estate which are located upon the real estate offered for sale or lease, provided that such signs do not exceed four (4) square feet in sign area
- (4), Entrance and exit signs regulated by 9-841.
- (5) Landmark sign, as defined in 9-802.
- (6) Signs for special events as allowed in 9-831.
- (7) Sport facilities, field sponsorship signs, message boards, banners are on premise only. Off premise banners of any type shall be not permitted. Section 9-827 and 9-830.
 - (a) Special Events or Grand opening events not lasting longer than ten (10) days. Section 9-831

9-807. Application for sign permit; notification to building inspector; expiration and renewal of permits. Application for the sign permit required by the proceeding section shall be made to the building inspector concurrently with an application for a building permit if required and shall be accompanied by such drawings, plans, specifications, and engineering designs in compliance with the provisions of the then current International Building Code most recently adopted by the City of Red Bank for the proposed sign as may be necessary, in the judgment of the City inspector or City Manager, to fully advise and acquaint the building inspector and the City Manager or his/her designee with the proposed construction thereof. The application shall also include the owner and address of the premises where such sign is to be located, together with the size of the proposed sign, and a description of any other signs located on such premises or for which a permit has been issued and remains outstanding. Any application for a sign permit or temporary sign permit shall be approved or denied by the office of the building inspector within ten (10) business days, excluding holidays

recognized by the City of Red Bank, after the filing of the application for such permit, and in the event the office of the building inspector does not approve or deny an application within said period, the applicant may refer the matter directly to the City Manager who shall require action thereon. Notwithstanding the provisions of the foregoing sentence the office of the building inspector may grant contingent approval subject to on-site inspection in cases where an applicant for a temporary sign permit requires immediate attention on the application.

The owner of any sign for which a new sign permit is required, and which permit has been granted, shall notify or cause to be notified the office of the building inspector of the date the erection or material alteration of the sign will begin not less than forty-eight (48) hours prior to the beginning of such work. Such owner shall also notify or cause to be notified the office of the building inspector of the completion of such work within forty-eight (48) hours after completion of such work. The failure to give or cause to be given either of the notices set forth in this paragraph shall constitute a violation of this chapter and shall subject any sign erected without both of the above notices having been given to abatement as a nuisance.

Any sign for which any permit has been issued but for which no substantial expenditures have been made as of the effective date of this chapter shall only be erected in accordance with the provisions of this chapter except that no additional initial permit charge will be required for any permit which has already been issued and for which a permit fee has been paid.

Any sign permit issued pursuant to this chapter for the erection of a sign shall expire ninety (90) days from the date of its issuance in the event such sign has not been fully erected within said ninety (90) days, provided, that upon good cause shown to the building inspector such permit may be renewed one time for a period not to exceed ninety (90) additional days. If a permit is requested for a location on which a valid permit is already outstanding but has not expired, and upon which no sign has been erected, and if such subsequent permit is requested by a person other than the holder of the outstanding permit, the office of the building inspector shall file, without fee, such application for the subsequent permit. In the even the outstanding permit expires without a sign being erected, as set forth above, the next valid permit application on file with the building inspector shall be processed upon payment of the required fee.

9-808. No permits to be issued in violation of ordinances; schedule of permit fees; yearly maintenance and safety inspection fee; inventory of certain existing signs. The building inspector shall not issue any sign permit for any sign which is not in conformance with the city code of Red Bank and applicable state laws, including but not limited to all electrical codes of the City of Red Bank or State of Tennessee; any permit issued which does not so conform will be null and void and any sign constructed pursuant thereto shall be removed in accordance with the

provisions of this chapter. The building inspector shall collect a permit fee with the application for each sign or sign structure. The permit fee shall be as follows:

(1) For off-premise signs, two hundred (\$200.00) dollars for each such sign.

(2) For on premise signs other than temporary signs, one hundred fifty (\$150.00) dollars for each Monument sign, Pole sign and each electric or illuminated sign, and a total of fifty (\$50.00) dollars per premises for all other signs. Any on premise sign, other than a detached sign or electric or illuminated sign, which conforms with this chapter and which replaces any other on premise sign for which a permit has been issued hereunder, shall not require the issuance of a new permit nor the payment of the permit fee.

(3) Every person maintaining an off-premise sign as of the effective date of this chapter shall, within one hundred twenty (120) days of said effective date, furnish to the office of the building inspector an inventory of all such signs; said inventory shall specify the exact location, measurements and size (including sign area as defined in 9-802) of each sign, provided, that such persons who have previously furnished such inventory shall not be required to furnish a new inventory. In lieu of such inventory, persons maintaining such signs may furnish or mail to the office of the building inspector a photograph of each sign for which an inventory is required together with the name of the owner of the premises on which the sign is located, the occupant of such premises if different from the owner, the name of the business located on such premises in the case of an on premise sign, and the full address of such premises. The failure to file the inventory for a sign as specified herein shall create a rebuttal presumption that such sign was erected subsequent to the effective date of this chapter.

9-809. Power to revoke permit; remedies for violation.

(1) If any sign permit is issued based upon any false or untrue information which is material to the application and the granting of a sign permit, the building inspector shall revoke any such permit and order the removal of such sign within thirty (30) days.

(2) If the building inspector determines that any sign erected pursuant to a permit issued under the provisions of this chapter is in violation of any provision of this chapter by error in the construction of the sign, the building inspector shall

(a) Notify the holder of the permit of the nature of the noncompliance and allow the holder a reasonable amount of time, but not less than fifteen (15) days nor in excess of sixty (60) days, to correct the defects giving rise to the non-compliance; or

(b) If such non-compliance cannot be corrected, to require the removal of the non-complying sign within thirty (30) days of the expiration of the period for correction specified

above.

(3) If any sign is erected without a sign permit but is otherwise erected in compliance with the provisions of this code, the building inspector may upon proper application for a sign permit and payment of double the normally required permit fee issue a sign permit for such a sign, provided, however, that any such permit so issued shall in no event operate to relieve the person so erecting a sign without a permit from any penalties provided by this chapter until such permit has been issued.

9-810. Owner's name required on off-premise signs. No sign permit shall be issued to any applicant to erect an off premise sign unless the applicant agrees to place and maintain on each such sign the name and permit number of the person or entity owning or in possession, charge or control thereof. The building inspector shall verify that the name and permit number of the person or entity owning or in control of such sign is placed upon the same forthwith upon the erection of such sign and kept on the signs at all times while such sign is maintained.

9-811. Non-conforming.

(1) Nothing contained in this chapter shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Red Bank, Tennessee, and such signs so erected in violation of any prior ordinance or ordinances shall be subject to removal upon notice from the city. Signs which are now in existence and were constructed in the compliance with the terms of any prior ordinance or ordinances of the City of Red Bank, Tennessee, but which are not in conformance with the provisions of this chapter are hereby designated as legal, non-conforming signs.

(2) For off-premise signs, any person owning, controlling or having a substantial ownership interest in any illegally erected or maintained non-conforming off-premise sign(s) shall remove all such illegally erected and maintained off-premise sign and its supporting structure prior to the issuance of any off-premise sign permit to such person until such person no longer owns, controls or has a substantial ownership interest in any illegally erected or maintained non-conforming off-premise signs. Evidence of the removal of an illegally erected off-premise sign shall be furnished to the satisfaction of the building inspector. As used herein, "substantial" ownership interest shall mean any ownership interest in excess of five (5%) percent of the total ownership interest

(3) For on premise signs, any occupant (as defined in 9-802) who applies for a new sign permit for any on premise signs shall be required to either remove all legal non-conforming signs and the devices designated in Section 9-811 on the area of the property occupied by such occupant, or to bring such non-conforming signs into conformance with the provisions of this chapter, before any new permit may be issued. Any occupant who applies for a new sign permit for any on premise attached sign shall be required to either

remove all legal non-conforming attached signs and the devices designated within this ordinance on the premises occupied by such occupant, or to bring such non-conforming signs into conformance with the provisions of this chapter, before any new sign permit may be issued.

(4) Notwithstanding any other provision of this chapter, any person using a portable sign, balloon sign or banner for which a temporary sign permit must be obtained on the effective date of this chapter must obtain a temporary sign permit as required by Section 9-827 through 9-830.

9-812. Violation declared misdemeanor; penalty. Any person who shall violate any provision of this chapter, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the building inspector within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Each violation of this chapter shall be punishable by a fine of up to fifty (\$50.00) dollars, and each day of continuing violation is deemed a separate and continuing offense, punishable by up to fifty (\$50.00) dollars for each day of violation.

9-813. Violations declared nuisances; pre-existing violations. The maintenance of any unused sign and/or its supporting structure or any violation of the provisions of this chapter by any person is declared to be a public nuisance dangerous to the public safety and shall be abated as set forth in this section. Any sign for which the annual safety inspection fee remains unpaid more than one hundred eighty (180) days after the delinquent notice of such fee pursuant to this ordinance is declared to be a public nuisance and shall be abated as set forth in this section. For the purposes of this section, "unused sign" shall include any sign which

(1) Has not displayed a message or messages for ninety (90) days consecutive, or

(2) Is not kept in good structural repair, or

(3) For which the sign face contains a physically and/or visibly deteriorated torn, weathered, chipped, peeling message, or

(4) Any violations of the electrical code and/or any other applicable city adopted code, such that the sign could pose a risk to public health or safety. Except for temporary signs regulated by 9-827 and 9-830 of this chapter, every sign to which the provisions of this chapter shall apply that was legally erected prior to the effective date of this chapter and was in use on said date, but which violates any of the provisions of this chapter, shall not be subject to removal, provided, that the owner of any legal nonconforming off-premise sign shall obtain (without charge) within sixty (60) days of the effective date of this chapter a permit from the building inspector which permit shall be marked on the face thereof: "non-conforming sign permit". In the event that there shall be future non-use of any legal non-conforming on premise or off-premise sign and/or its supporting structure for more than ninety (90) days, said non-conforming sign and its supporting structure shall then be

removed forthwith within the time allowed in this ordinance or the building inspector may cause said removal to be done as provided in this chapter.

9-814. Notice requiring abatement of violation; abatement by city lien for costs. Upon ascertaining a violation of the provisions of this chapter, the building inspector shall cause to be served upon either the offender, or his agent, and upon the owner, or his agent, or the occupant(s) of the premises, a written notice to abate such violation(s) which shall

(1) Describe the conditions constituting a nuisance under this chapter, and

(2) State that the nuisance may be abated by the city at the expense of the offender, and/or owner, and/or the occupant of the premises at the expiration of not less than fifteen (15) days nor more than sixty (60) days from the date of such notice if such condition is not corrected by the person in control of given notice to abate the constituting a nuisance be corrected or that the offender, or the owner, or the occupant, or the premises. If, at the expiration of the time the nuisance described in said notice to abate, the condition has not been corrected, then such condition may be abated by the city at the expense of the offender and/or the owner and/or the occupant of the premises under the direction of the building inspector.

(3) Provided further, in the event of an emergency which, in the opinion of the city inspector justifies immediate action to protect the health and safety of persons and/or to protect property, the city may take such steps as are necessary, without notice, to abate the condition or situation. In any such event(s), the city shall have a lien on the sign structure and upon property upon which such sign is located to secure the amount expended for the abatement of such nuisance; the amount expended for the abatement of such nuisance, including attorney fees and costs of enforcement, and shall include all unpaid annual maintenance and safety inspection fee and delinquent charges due for such a sign.

9-815. Appeals. An appeal to the City Manager from any adverse decision of the building inspector may be filed in writing with the city recorder within ten (10) days from any such decision; the city manager shall, within fifteen (15) days of the filing of the appeal, set a date upon which a hearing before the Board of Commissioners shall be held; the city manager shall promptly notify the person filing the appeal of the hearing date. The decision of the City Manager upon any such appeal shall be final. The provisions of this section shall not be construed to allow the city manager to grant any variance or special exception to the provisions of this chapter, and the jurisdiction of the city manager upon any such appeal shall extend only to questions of fact and to questions involving the interpretation of the provisions of this chapter.

9-816. Obscene displays on signs. No person shall post or paint, or cause to be posted or painted, or otherwise caused to be displayed so that the same can be seen from the streets or other public places of the city, any advertisements or materials containing pictures or illustrations of any obscene character. For the purpose of this section "obscene" shall have the same meaning as provided in Tennessee Code Annotated, 39-17-901, as now enacted or hereafter amended. See Section 9-802 (42).

9-817. Signs over streets, sidewalks; where other advertising prohibited.

(1) No sign of any kind shall be permitted to project over or be suspended over or across any street or sidewalk except in accordance with the limitation provided in the definition of a "projecting sign" in 9-802 of this chapter.

(3) No person shall paste, paint, print, rope, bill, nail, pin, or otherwise attach any sign or any advertisement or notice of any kind whatsoever or cause the same to be done, on any curbstone, or in any portion or part of any sidewalk or street, tree, lamppost, telephone or telegraph pole, awning, porch or balcony, or upon any other structure in the limits of any street or public right-of-way in the city, except such as may be required by this code or other city ordinance.

(4) When any sign of the type enumerated in this section is found in any place prohibited by this section, it shall be prima facie evidence that such sign was so placed contrary to the provisions of this section by the person to whom reference is thereby made.

9-818. Change of sign classification - removal. If for any reason an off-premise sign becomes an on premise sign, such on premise sign and its supporting structure shall be removed within thirty (30) days of the change of classification unless such sign is in compliance with all of the provisions of this chapter governing on premise signs. If for any reason an on premise sign becomes an off-premise sign, such off-premise sign and its supporting structure shall be removed within thirty (30) days unless such sign is in compliance with all provisions of this chapter governing off-premise signs.

9-819. Signs distracting to motor vehicle operators prohibited.

Where there are entrance and exit ramps to any controlled access facility, or a confluence of traffic, or anywhere else where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, then no signs shall be permitted or allowed that will be or may reasonably be distracting to drivers and thereby hazardous and dangerous to the traveling public. Additionally, and regardless of location, no off-premise or on premise sign shall have moving parts, picture tubes, lights or illumination, light emitting diode (LED) or electronic sign technology that vary in intensity, flash or change color or which utilize light emitting diode (LED), digital or other electronic sign technology as defined herein, except:

(1) That on premise Monument signs with Message centers, changeable copy signs or reader boards shall be allowed provided a permit has been obtained pursuant to the provisions of this ordinance, and

(2) For any signage which is permitted by the terms of this Ordinance to utilize digital technology, or which would otherwise be characterized as a Digital

Sign, LED signage or LCD signage may display only through the use of digital display, LED lights, LCD lights or similar technology that vary in illumination or intensity not to exceed (0.3) foot candles over ambient light conditions provided further that each display shall remain constant for a minimum of not less than ten (10) seconds.

(3) Signage which utilizes digital technology or which would otherwise be characterized as a digital sign, LED signage or LCD signage or which uses any similar technology is/are general prohibited in the City of Red Bank and are only permitted in certain limited contexts and sign categories and determination i.e., reader boards, message centers and monument signs all other classifications being hereby expressly prohibited.

(4) No signs that resemble any regulatory or warning traffic control device or sign as found in the latest edition of the Manual of Uniform Traffic Control Devices for Streets and Highways as now existing or hereafter amended shall be permitted. No sign shall emit any sound or sounds, audible to the human ear without amplification or exceeding ten (10) decibels.

9-820. General off-premise sign regulations. Unless otherwise provided in this chapter, the following regulations shall govern the construction and maintenance of any off-premise sign within the city. Section 9-823. Any off-premise sign which is (or would be) a digital sign, a changeable copy sign, an electronic sign or which utilizes flashing features is prohibited.

9-821. Billboards whether structural or mobile are not allowed within the City of Red Bank unless all requirements of this ordinance are met in relation to number of billboards, distance separating billboards and zoning regulations. Digital billboards are not permitted within the City of Red Bank under any circumstance.

Sections 9-822 through 9-825. Scenic Corridors Established and the Red Bank Zoning Ordinance Section 14-403, addresses the number of permitted billboards allowed within the City of Red Bank. No sign shall exceed thirty-five (35) feet in height or fifty (50) feet in width, more particularly, the highest portion of a sign or sign structure shall not exceed thirty-five (35) feet above ground elevation hereafter set out:

(1) Thirty-five (35') feet above the closest point, measured vertically, on the grade of the slope of the real estate upon which the sign or sign structure is located if the sign or sign structure is located on a higher grade than the finished grade of the public road towards which the sign is principally oriented and which it is principally intended to be viewed is the maximum allowable height;

(2) If the sign or sign structure is located on the same or on a lower grade than either the roadway toward which it is principally oriented or the roadway to which it is (measured horizontally) nearer, whichever roadway is nearer, than thirty-five (35) feet above the closest point on the top of the finished grade of either the roadway toward which it is principally oriented or the roadway to which it is (measured horizontally) nearer, whichever roadway is nearer.

(3) No billboard sign area shall exceed seven hundred fifty (750) square feet and no new billboard sign with a sign area exceeding seven hundred fifty (750) square feet shall be permitted or erected in the City of Red Bank.

(4) Sign structures supporting an off-premise sign of any size shall be spaced not less than seven hundred (700) feet apart regardless of the direction in which any such sign is facing; said spacing shall only apply to signs on the same side of the street, provided, however, that any off-premise sign located within three hundred (300) feet of the center of any intersection of two or more roads shall be spaced not less than three hundred fifty (350) feet in all directions from any other off-premise sign of any size.

(5) The number of billboards whether traditional or digital within the City of Red Bank shall not exceed the number, i.e., seventy-two (72) specified in Section 14-403 of the Red Bank Zoning Ordinance at any time.

(25) No off-premise sign shall be located closer than twenty (20) feet to the closest edge of any public right-of-way, no closer than ten (10) feet to the property line of any adjacent commercially zoned real property and no closer than twenty-five feet to the property line of any adjacent residential owned property.

(7) No sign shall be erected so that the lowest portion of the sign face is less than twelve (12) feet, measured vertically, from the closest point on the grade of the real estate upon which the sign or sign structure is located.

(8) No sign shall be permitted on top of any building or roof-top.

(9) No sign face shall be permitted atop or beneath another sign face, i.e., no "stacked" signs are permitted on any sign structure, building, or rooftop.

(10) No sign shall be located where prohibited or not permitted by the Red Bank Zoning Ordinance, as amended, or as may hereafter be amended.

(11) (RESERVED)

(12) Nothing contained herein shall be construed to prohibit the erection and maintenance of a single "public interest direction marker," as otherwise defined herein by any public buildings, hospitals, places of worship, public libraries, public museums, public parks, cemeteries or other public facilities provided that:

(a) There shall be no more than one (1) public interest directional marker for any one entity. Such public interest directional marker shall be located only on Commercial zoned private property and with written permission from the private property owner and shall under no circumstances be located on the public right-of-way for any street, road or highway.

(b) In the judgment of the city manager, or his/her designee, such public interest directional marker does not impair traffic site lines or any use of any adjacent sidewalk or right-of-way.

(c) The public interest directional marker shall not exceed two (2) square feet in total area.

(d) The owner shall provide, on forms supplied by the city, contact information for the person responsible for maintenance and a signed agreement that the sign or placard may be removed if required by the owner of the adjoining premises, and further agreeing that the city may require removal if, in its judgment, the public interest requires its removal at any time in the future.

(e) That any public interest directional marker shall be located not more than one-half (1/2) mile (two thousand six hundred forty feet (2,640')) from the nearest corner of the property of the entity to which it is intended to direct attention.

(f) **Visibility Triangle at access points.** No structure, signs, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, sign or other material impediment to visibility in this area. Such triangle shall be measured at a distance of 25 feet running parallel along each leg of the road right-of-way connecting them to form a triangular area.

9-822. Scenic areas and scenic corridors. This section shall govern the erection of off-premise signs and certain on premise signs in scenic areas scenic corridors.

9-823. Scenic areas. There are hereby established the following scenic areas, in which off-premise signs shall be prohibited as set forth herein:

9-824. Scenic corridors established.

1. There is hereby reaffirmed and established a scenic corridor, which shall consist of those certain strips of land which are located within six hundred sixty (660) feet on either side of the outermost edge of the right-of-way of U.S. Highway 27 (also known as State Route 29 and sometimes referred to as Corridor J) from the southernmost city limits to the northernmost city limits of the City of Red Bank.

2. There are hereby established as scenic corridors, which shall consist of those certain strips of land which are located within six hundred sixty (660') feet on either side of the outermost edge of the right-of-way lines of:

- (a) Dayton Boulevard, from the southernmost city limits to the northernmost city limits of the City of Red Bank;
- (b) Ashland Terrace, from its intersection with Dayton Boulevard to the Chattanooga city limits;
- (c) Signal Mountain Road, from its intersection with Dayton Boulevard to the Chattanooga city limits;
- (d) Morrison Springs Road from Dayton Boulevard to the Chattanooga city limits.

9-825. Off-premise signs along Scenic corridors or within Scenic areas prohibited. No off-premise signs shall be permitted within the scenic corridors or within scenic areas established per the provisions of 9-822 through 9-825. No free-standing or off-premise, no bill-board signs shall be permitted, nor electronic signs or digital signs shall be permitted within any scenic corridor other than on premise reader boards, message boards and monument signs.

9-826. Prohibited on premise signs and devices.

- (1) Use of the following on premise signs shall be prohibited:
 - (a) Portable signs, except where specifically permitted for an authorized temporary use in accordance with this chapter.
 - (b) Banners in excess of thirty-two (32) square feet in sign area.
 - (c) Snipe signs. See definition.
 - (d) Roof signs, except balloon signs which may be permitted as temporary signs under 9-827 through 9-830 of this chapter.

(e) Any sign printed on or attached to a vehicle and used as a stationary sign.

(f) Freestanding signs or devices are prohibited with moving parts, wind activated, flags, feather signs or animation or sound-emitting devices or similar except not to exceed 30 days by a temporary sign permit and no more than ninety (90) days running consecutive in any one calendar year.

(g) Grand opening events not lasting more than ten (10) days are not required to be permitted but must inform the public works office of such event.

(h) That permanently attached message centers are allowed if built into a monument sign provided, that a sign permit is obtained pursuant to this chapter, and

(i) Signs displaying messages, through lights or digital technology that vary in illumination or intensity shall be allowed, only in the context of monument signs or reader boards, provided, that each display shall remain constant for a minimum of at least ten (10) seconds and not exceed (0.3) foot candles over ambient light conditions and all other provisions of this Ordinance related to permitting, to location, spacing, chargeable content message intervals, total area and luminosity and met and adhered to.

(j) Neon tube lights, LED, digital or electronic signs or Reader boards shall not be attached to any building or window facade.

(k) Auxiliary Signs, Snipe signs or similar will be included in the 25% calculation of the total building or window facade. See Definitions Auxiliary signs, Snipe signs, Incidental signs.

(l) Liquor Store Sign Requirements Title 8 Section 8-128 through 8-129 of and flashing light prohibitions the Red Bank Municipal code for Liquor Store Sign Requirements.

(m) Lights which outline windows, buildings, doors on any on premise or off-premise structures shall not blink, pulsate, flash or strobe.

(n) Billboards off-premise unless all conditions of this Ordinance are met.

(2) Except as provided in 9-827 through 9-830 the use of streamers,

pennants, pinwheels, flags (other than those permitted by 9-839), tinsel and any other device which hangs freely and is intended to be wind-activated or to circulate, flap, rotate, blow or otherwise be put in motion by the wind shall be prohibited. Except Temporary signs, Special events, Grand openings and are limited and regulated by, Section 9-827.

(3) Any on premise sign with a sign area exceeding (175) square feet.

(4) Any on premise freestanding electronic or digital sign, any sign using flashing lights for reader boards/message centers as may be otherwise permitted as provided herein.

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

(1) Permit / Fee Required. A permit for each temporary sign, banner, and wind activated devices is required along with a (10) ten dollar fee per sign. (Except Sports Field Sponsorship signs on premise.) Special Events or Grand opening events not lasting more than (10) ten days are not required to permit but must notify the office of the Public Works Department of such event. All other sections of 9-827 shall apply.

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

(3) “Time limit for display of temporary signs”. All temporary sign permits shall state an effective date and an expiration date; such permits shall be issued only for a minimum of thirty (30) day increments not running within any consecutive 30 day period. Any temporary sign and its supporting structure (including balloons) permitted under this chapter shall be removed at or before 11:59 P.M. of the expiration date on the temporary sign permit notwithstanding any other provision of this chapter. No occupant may obtain a temporary sign permit until the expiration of thirty (30) days from the end of such occupant's last temporary sign permit period but they may not run consecutive from month to month for a total of ninety days.

(4) “Size and placement of temporary signs”. No temporary sign shall exceed three hundred (300) square feet in sign area. No temporary sign shall be placed closer than ten (10) feet to any public right-of-way, and no temporary sign may be placed in any public parking space. No part of any temporary sign may be located within forty (40) feet of two (2) public rights-of-way.

9-828. “Removal of temporary signs”. Temporary signs shall be removed no later than 48 hours from expiration of the permit. After 48 hours of expiration of the permit. The Building Official or Codes Enforcement officer will remove such signs and dispose of them.

9-829. “Balloon signs”. No balloon or other inflatable device upon which a balloon sign is displayed shall exceed a height of thirty (30) feet above the lowest point of the ground or building over which the balloon is situated. No more than two (2) banner signs will be permitted on any balloon. No part of any balloon sign or balloon shall be located closer than thirty (30) feet from any public right-of-way. Any banner sign affixed to a balloon must be mounted flush to the balloon. A banner sign attached to a balloon may not exceed one hundred twenty (120) square feet in surface area, provided, however, that any banner sign attached to a balloon any part of which is within sixty (60) feet of any public right-of-way may not exceed one hundred (100) square feet in surface area. Section 9-827.

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

9-831. “Special events”. Section 9-827

9-832. “General regulation of permanent On-Premise Monument signs”. Other than signs which are prohibited under the provisions of this chapter or which are permitted as temporary signs pursuant to this chapter, the section hereinafter shall regulate the general use of on premise signs

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

(1) Each premises shall be allowed no more than two (2) Monument signs for each public street upon which the premises fronts (excluding public and private alleyways), provided that not more than two (2) Monument signs shall be primarily

oriented towards any such public street. Submit drawings, rendition or photograph of the signs showing the design and features for review to the Public Works Department. Monument sign support systems larger than 32 square feet and taller than 6 feet in sign area will require a set of stamped plans from a registered architect.

(2) In addition, each occupant of a premises who leases or owns a building which is freestanding and unattached to any other building on such premises shall also be allowed one (1) attached sign for each public street upon which occupant's building fronts, provided that such sign is located within the area leased to occupant and oriented towards such public street.

(3) In addition to any attached sign permitted above, on any premises Menu Board where goods and/or services are offered from a "drive-thru" window or which may otherwise be purchased by a person without the necessity of exiting his or her motor vehicle, one (1) additional detached sign not in excess of eight (8) feet in height or in excess of thirty-two (32) square feet in sign area shall be permitted.

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

(5) For the purpose of this section, "word" shall mean any word, number, abbreviation, trademark, symbol or name. The purpose of this section may not be circumvented by combining words which are ordinarily separated to make one word such as "Gas for Less", and in such case, each separate letter shall be counted as a word.

(6) Liquor Store Signs. Title 8 section 8-128 through 8-129 of the Municipal Code for Liquor Sign requirements.

9-834. Maximum size limitations for Monument signs.

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

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

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

(3) “Message Centers, Reader Boards. Changeable copy signs are permitted but must be built within the construction of the sign. Message Centers, Reader Boards and Changeable copy signs cannot be attached to any part of the outside of a monument sign and must meet all other requirements of this Ordinance including, location, set back distances and luminosity limitations.

9-835 “Set-back requirements for Monument signs” No monument sign may be closer than ten (10) feet to any public or private street, driveway or right-of-way. Except at corners of intersecting streets no signs shall be placed within the visibility triangle. See definitions Visibility Triangle.

9-836. “General regulations of permitted permanent On-Premise Freestanding Pole signs”. Other than signs which are prohibited under the provisions of this chapter or which are permitted as temporary signs pursuant to this chapter, the section hereinafter shall regulate the general use of on premise signs.

9-837. “Number and size of permitted Freestanding On-Premise Pole signs”. When Monument signs are not allowed due to site distance requirements and other conditions within this ordinance.

(1) Each premises shall be allowed no more than two (2) Freestanding pole signs. Digital signs and or Electronic signs are not permitted as a freestanding on premises pole sign. For each public street upon which the premises fronts (excluding public and private alleyways), provided that not more than two (2) Freestanding pole signs shall be primarily oriented towards any such public street.

(2) In addition, each occupant of a premises who leases a building which is freestanding and unattached to any other building on such premises

shall also be allowed one (1) Freestanding pole sign for each Public Street upon which occupant's building fronts, provided that such sign is located within the area leased to occupant and oriented towards such public street.

(3) Notwithstanding the provisions of subsections (1) and (2), if a Freestanding pole sign is maintained on premises which fronts upon two (2) or more public streets and any part of such sign is located within fifty (50) feet of the closest edge of the intersecting right-of-way of two (2) or more public streets one (1) freestanding pole sign shall be allowed for such premise

(4) In addition to any freestanding pole sign permitted above, on any premises where goods and/or services are offered from a "drive-thru" window or which may otherwise be purchased by a person without the necessity of exiting his or her motor vehicle, one (1) additional sign not in excess of eight (8) feet in height or in excess of thirty-two (32) square feet in sign area shall be permitted.

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

(6) For the purpose of this section, "word" shall mean any word, number, abbreviation, trademark, symbol, or name. The purpose of this section may not be circumvented by combining words which are ordinarily separated to make one word such as "gas for less", and in such case, each separate letter shall be counted as a word.

(7) Liquor Store Signs Title 8 section 8-128 through 8-129 of the Red Bank Municipal Code for Liquor Store Requirements.

9-838. "Maximum size limitations for On-Premise Freestanding Pole signs". When Monument signs are not allowed due to site distance requirements and other conditions within this Ordinance.

(1) The permitted size of a non-digital detached sign shall be determined in accordance with the distance which such sign is set back from the right-of-way as specified in § 9-834 but the sign area of a detached sign (whether a freestanding sign or projecting sign) shall not exceed one hundred seventy-five (175) square feet in size per sign face. The sign area of a sign shall be calculated in accordance with the provisions of the defined term "sign area" in § 9-802 of this chapter, except that the dimensions of any reader board, message center whether digital or not shall be calculated individually and not as if the reader board, message center whether or not digital were included within the rectangular sign area of any other sign. If, instead of being supported by a simple pole or beam system, a freestanding sign

is supported by or attached to any other type of freestanding opaque structure which serves as a background for the sign and obscures vision through such structure, then the structure shall itself be included in determining the size of the sign.

(2) For premises which have frontage along any single public road or public right-of-way in excess of three hundred fifty (350) linear feet along such road or right-of-way and which have more than two (2) occupants, the sign area of a freestanding sign located along such frontage shall not exceed three hundred (300) square feet. In addition, if any premise which has more than two (2) occupants has less than three hundred fifty (350) linear feet of frontage along a public road or public right-of-way but has a developed store or building frontage of greater than five hundred (500) linear feet, then the sign area of a detached sign shall not exceed three hundred (300) square feet.

9-839. “Set-back requirements for On-Premise Freestanding Pole signs”. No pole sign may be closer than ten (10) feet to any street or right-of-way; no pole sign with a sign area larger than forty (40) square feet may be closer than fifteen (15) feet to any street or right-of-way; and no pole sign which is larger than one hundred (100) square feet may be closer than twenty (20) feet to any street or right-of-way. Notwithstanding the foregoing set-back limitations, any projecting sign which is attached to a building whose building line adjoins a public sidewalk or public right-of-way may extend out over the public sidewalk or right-of-way, but no over any public street and not in excess of the distance otherwise permitted hereunder. Notwithstanding the foregoing, any owner from whose property any sign may project over any public right-of-way shall, prior to erecting or installing such sign, obtain a temporary use permit from the city subject to such conditions as may be required by the Board of Commissioners.

9-840. “Minimum and Maximum Height Limitations For On-Premise Freestanding Pole signs”. When monument signs are not permitted by this ordinance due to site distance requirements.

All pole signs shall have a minimum clearance between the ground and the lowest portion of such sign of not less than ten (10) feet. A pole sign or its supporting structure whose closest point is located no closer than ten (10) feet from any right-of-way may not exceed twenty (20) feet in height above the adjacent public right-of-way at its closest point. For each additional foot of set-back beyond (10) feet from the right-of-way, a pole sign may extend an additional one (1) foot in height above the level of the adjacent public right-of-way at its closest point, up to a maximum of thirty (30) feet in height. Notwithstanding the foregoing provisions of this section, in the event a pole sign is placed on ground which is higher than the closest point on the adjacent public right-of-way, the maximum height of such sign shall be measured from the lowest point of the ground over which such sign is located, if, and only if, every part of such sign and its supporting structure is located within fifty (50) feet of the closest adjacent public right-of-way.

9-841. “Traffic directional signs”. The number, height and set-back to on premise entrance, exit or other directional traffic signs at any premises, provided that no such directional sign shall exceed thirty (30) inches in height nor more than six (6.0) square feet in sign area, and further provided that no such signs shall contain any words other than customary motor vehicle or pedestrian traffic directional instructions, and shall not otherwise, in the judgment of the city manager or his/her designee, obstruct traffic sight lines or otherwise impair traffic movement

9-842. “Directional signs on hospital premises”. On-premise directional signs located on the premises of any hospital, medical center or clinic which offers emergency medical care, provided such signs shall not otherwise obstruct traffic sight lines or otherwise impair traffic movement and shall not exceed fifty (50) feet in height above the nearest roadway.

9-843. “Maintenance of on premise signs”. All on premise signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective, damaged, broken, or deteriorated parts shall be replaced. The building inspector shall order the removal of any on premise sign which is defective, damaged, or substantially deteriorated pursuant to this chapter.

9-844. “Flags”. In addition to the display of the flag of the United States, the state of Tennessee, the County of Hamilton, the City of Red Bank, each premise may display one (1) additional flag provided that such additional flag in no case shall exceed the size of the flag of the United States displayed on the same premises. Such additional flag may be displayed only on a flagpole and only when the flag of the United States, a state within the United States, the County of Hamilton, or the City of Red Bank is being displayed on a flagpole. At no time may such additional flag be secured by any means on more than one (1) side of the flag. The foregoing limitation on the display of flags shall not apply to stadium or athletic fields in which sporting events are routinely held.

9-845. “Compliance and corrective provisions”.

(1) Notwithstanding any other provisions of this chapter, the following regulations shall govern the alteration and maintenance of any existing on premises or existing legal non-conforming off premises signs. Nothing contained in this chapter shall be construed in any way to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior ordinance or ordinances of the City of Red Bank, Tennessee, and such signs so erected in violation

of any prior ordinance or ordinances shall be subject to removal as provided in this section. Signs which are now in existence and were constructed in compliance with the terms of any prior ordinance or ordinances of the City of Red Bank, Tennessee, but which are not in conformance with the provisions of this chapter are hereby designated as legal, non-conforming signs, and shall be abated and removed hereafter in accordance with this section.

(2) For on premise signs, any occupant who applies for a new sign permit for any on premise pole sign shall be required to either remove or cause the removal of all legal nonconforming pole signs and the devices designated in or on the area of the property occupied by such occupant, or to bring all non-conforming signs on that property into conformance with the provisions of this chapter, before any new permit may be issued. Any occupant who applies for a new sign permit for any on premises attached sign shall be required to either remove all legal non-conforming signs in or on the area of the premises occupied by such occupant, or to bring such nonconforming signs into conformance with the provisions of this chapter, before any new sign permit may be issued. For the purpose of this subsection, the term "property" is intended to mean the entire tract of real property which has been assigned a separate tax map and parcel number and is not intended to be limited to a separate unit of a multi-unit property.

(3) A single occupant non-conforming sign shall be made conforming if one of the following situations occur:

(a) Any modification to the sign structure, other than normal maintenance necessary to retain the original structure of the sign; or

(b) Destruction or deterioration of the sign to an extent that the current cost of repair exceeds fifty percent (50%) of the current cost of constructing a new sign which duplicates the old; or,

(c) Change of business/ownership name or change of sign face to reflect new ownership, business logo, message; or

(d) Any sign prohibited by the adoption of this chapter shall be removed within ninety (90) days from written notification if erected, constructed, or placed subsequent to the adoption of this chapter.

(4) A multiple occupant non-conforming sign shall be made conforming if one of the following situations occur:

(a) Any modification to the sign structure, other than normal maintenance necessary to retain the original structure of the sign; or

(b) If two-thirds of the occupants are removed from the structure.

(c) Change of business/ownership name or change of sign face to reflect new ownership, business logo, message; or

(d) Any sign prohibited by the adoption of this chapter shall be removed within ninety (90) days from written notification if erected, constructed, or placed subsequent to the adoption of this chapter.

9-846. “Various Building and Safety Codes Applicable”. Notwithstanding any other provision of this chapter the various building and safety codes of the City of Red Bank, as now enacted or hereafter adopted or amended, including but not limited to the electrical code, shall be applicable to all signs and sign structures.

9-847. “Political signs regulated”.

(1) Scope of article - definition of political sign. Notwithstanding anything in this chapter to the contrary, the provisions of this chapter shall govern the use and placement of political signs. "Political sign" shall mean any sign which supports or opposes the candidacy of any candidate for public office or urges action on any other issue on the ballot of a primary, general or special election.

(2) Political signs regulated. Political signs with a sign area of more than 32 square feet shall be subject to the provisions of this code and/or this chapter governing off-premise signs, provided, that any political sign at campaign headquarters shall be governed as on premise signs. Political signs with a sign area of 32 square feet or less shall be subject to the following restrictions:

(a) No such political sign may be placed closer than 7 feet to the pavement or curb of any public or private street, except that poster type signs, no larger than 18" (eighteen inches) by 24" (twenty-four inches) may be placed not closer than 3 feet from the pavement or curb of any public or private street. No political sign shall be placed upon any city property.

(b) No such political sign may be placed closer than 25 feet to the closet edge of the pavement or curb of two (2) intersecting public or private streets. See definition Visibility Triangle.

(c) No such political sign may be placed upon or attached in any way to any tree, fence, fence post, utility pole, light pole, or rock located on public property or upon the right-of-way on any street.

(d) All such political signs may be placed sixty (60) days before an election and shall be removed within fifteen days after the election to which they refer

has been held. Such signs erected for a primary election may remain only if they continue to be valid for the next general election.

(e) The offices of the building inspector or the city manager may order the removal or of any such sign which, in its or their opinion, may constitute a hazard to the public traveling on public streets.

(f) No such sign shall be located in a position which is principally designed to be viewed from a controlled access facility.

(g) No such sign may be placed upon a public sidewalk.

(h) Any person or organization planning to erect such political signs shall first file with the office of the building inspector the name, address and telephone number of the person or persons who shall be responsible for the proper erection and timely removal of such signs. Signs that are in violation of this Chapter will be removed and placed at city hall. The City will not be responsible for the safe keeping of any of the signs removed.

(i) Removal – the City public works department may remove political signs which are located so as they impair visually or otherwise, traffic and or which are located on the public right of way or on public property.

(j) Penalty - Any person, firm, corporation or entity violating the provisions hereof may be fined in the amount of up to twenty-five (25) dollars for each violation. In the case of continuing violations, each day shall constitute a separate violation(s).

9-848. “Set back variances and procedures”.

(1) The City Commission shall have the authority to grant a limited variance and to lessen the applicable set back requirements by up to five (5) feet from the right-of-way set back requirements for on premises pole or monument signs as otherwise set forth in this ordinance.

(2) No variance shall be issued except upon:

(a) Written application by the owner to the city commission on forms furnished by the city;

(b) Written notice of the application and the date and time of public hearing being issued to all adjoining land owners within two hundred (200') feet of the premises for which the application is pending;

(c) A public hearing shall be advertised and held when the application will be considered and a finding by a majority of the commissioners that multiple legal non-conforming signs exist upon adjacent properties within 200 feet of the requested location which would effectively block the view of the proposed on premises detached sign if a variance were not granted;

(d) The location of the proposed detached on premises sign will not impede visibility and/or traffic flow on the adjacent public street and will not impair vehicular traffic or pedestrian traffic, from a safety and traffic visibility standpoint, for ingress to or egress from the property upon which the proposed sign is to be located.

(e) In no case shall the applicable set back distance be lessened by more than five (5') feet;

(f) In no case shall the applicable set back distance be lessened so as to permit a sign to be located any closer than five (5') feet to any sidewalk;

(g) The placement of the proposed sign will not block or impair the view of any existing legal non-conforming sign from the adjacent public road;

(h) In no case shall the variance be granted if it would violate any other signage separation distance requirements or the other provisions of the "sign ordinance."

(3) Any premises owner desiring to obtain a variance shall obtain and file an application to the city manager's office with detailed plans, drawing and scaled distances showing the size and proposed location of the sign.

9-849. "Premises Identification"

(1) All buildings, both residential and commercial within the City of Red Bank shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or English alphabet letters. Numbers must be located on a house, garage, or other similar building and shall be a minimum of four (4) inches in height with a minimum stroke width of one-half (0.5) inches.

(2) All properties located within the City of Red Bank that has access to the rear by an alley way or street shall display approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or English alphabet letters. Numbers shall be a minimum of four (4) inches in height with a minimum stroke width of one-half (0.5) inches. Numbers must be located on the house, garage, or other similar building within thirty (30) feet of the rear property.

9-850 “Sign Illumination”

(1) Sign illumination shall only be achieved through the following standards. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.

(2) Awnings with signage included should always be externally illuminated.

“General Illumination Standards”

1. Illumination should not interfere with or distract from the message conveyed by the sign and shall not exceed (0.3) foot candles over ambient light conditions.
2. Lighting for signs shall not create a hazardous glare or moving digital glare for pedestrians or vehicles either in a public street or on any private premises.
3. The light source, whether internal to the sign or external, shall be shielded from view. This requirement is not intended to preclude the use of creative exposed lighting.
4. Illumination should be appropriate for the location, use and character of the neighborhood.
5. Illumination should seem integrated into the façade.
6. Illuminated signs of any kind shall not be illuminated from 10 p.m. - 6 a.m. When located next to or on any property adjacent to any residential zoned property.
7. Flashing, blinking, revolving, or rotating lights are not permitted.
8. No utilization of digital, LED, LCD or shimmer lights propelling technology except as expressly allowed in the Ordinance, and only then if the same is not likely to be distracting to motorists and the general public.
9. All exposed conduit and junction boxes should be concealed from public view.

“Internal Illumination Standards”

1. Internally illuminated sign cabinets that allow the entire face to illuminate are prohibited.
2. The sign background or field should be opaque of a non-reflective material.

“External Illumination Standards”

1. Only external lighting fixtures that project light on a sign from above or below are permitted. Light fixtures supported on the front of the building should cast light on the sign and a portion of the facade immediately around the sign.
2. Light fixtures should be simple and unobtrusive in appearance and size.
3. Light fixtures should be positioned so as not to obscure the sign's message and graphics.
4. Light sources shall be shielded and such that the light source is directed away from pedestrians, residential properties or motorists. Light sources should be directed against the sign face such that it does not shine onto adjacent properties. Bare light bulbs shall not be exposed.

ORDINANCE 19-1148

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE RED BANK ZONING ORDINANCE NO. 15-1020 FOR THE CITY OF RED BANK, TENNESSEE, PURSUANT TO AUTHORITY GRANTED BY SECTION 13-7-201, TENNESSEE CODE ANNOTATED BY AMENDING TITLE 14, CHAPTER 11, SECTIONS 1101 ET SEQ., OF THE RED BANK CITY CODE, REGULATING TELECOMMUNICATIONS STRUCTURES.

WHEREAS, it is necessary and beneficial for the health, safety, and welfare of the community to update the zoning regulations for development of Wireless Telecommunications Facilities in the City of Red Bank; and,

WHEREAS, it is important to accommodate the growing need and demand for telecommunications services while protecting the character of the City, its rights-of-way, and its neighborhoods; and,

WHEREAS, it is necessary for the City to establish procedures and standards in compliance with the Competitive Wireless Broadband Investment Deployment and Safety Act of 2018, as codified at T. C. A. §§13-24-401, et. seq.; and

WHEREAS, there is a need to establish standards for location, aesthetics and compatibility for small cell communication structures and uses, and to update the standards for other kinds of Telecommunications Facilities; and,

WHEREAS, the City is committed to encouraging a safe, reliable, efficient, integrated and connected system of streets that promote access, mobility and health for all people, regardless of their age, physical ability, or mode of transportation; and,

WHEREAS, it is necessary to encourage the location and Collocation of Transmission equipment on existing structures in order to reduce the need for new Towers and support structures, thereby minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife as well as to encourage concealed technologies and the use of public lands, buildings, and structures as locations for Telecommunications Facilities; and,

WHEREAS, there is a need to encourage the availability of affordable, high-speed internet and cellular telephone and data access for business and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/or while mobile that increasingly, education incorporates online learning necessitating good home internet connections for students and faculty, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular and home internet connectivity; and,

WHEREAS, it is important to encourage coordination between suppliers and providers of telecommunications services to maximize use of existing facilities and structures; and,

WHEREAS, establishing predictable and balanced regulations within the authority reserved for local land use determination is in the best interest of the citizens of the City of

Red Bank; and

WHEREAS, a mechanism for the zoning and permitting of small cell telecommunications uses, and an update of existing zoning provisions for other kinds of telecommunications uses is in the best interest of the citizens of Red Bank; and,

WHEREAS, such changes have been determined necessary and beneficial to the community to update the zoning regulations, and has;

WHEREAS, the changes herein come with a recommendation for approval by the Red Bank Municipal Planning Commission, and;

WHEREAS, the Planning Commission provided an opportunity to submit comments in favor of or against the drafted Telecommunications Ordinance at an advertised public hearing held in conjunction with its regular meeting on February 21, 2018

WHEREAS, the Red Bank Planning Commission has approved and recommended approval of the revisions and amendments hereafter set forth; and

WHEREAS, the City Commission provided an opportunity to submit comments in favor of or against this Ordinance regulating telecommunications structures at an advertised public hearing on March 19, 2019, prior to the final reading of this ordinance.

NOW THEREFORE, BE IT ORDAINED, by the City of Red Bank that the Red Bank Zoning Ordinance is hereby amended as follows:

Title 14 – Chapter 11 Sections 1101 et seq., Radio, Television, Telephone, Satellite and Microwave Communication Towers is Amended by deleting said chapter in its entirety and substituting in its place and stead the following, Title 14, Chapter 11, TELECOMMUNICATIONS STRUCTURES:

Section 1101.

A. Purpose.

The purpose of this Ordinance is to establish general standards in accordance with federal and state laws for the siting of Telecommunications Facilities, including Towers, Transmission Equipment, Potential Support Structures, and related appurtenances, including installations on within public Rights-of-Way where permitted herein. In addition to the standards set forth in these guidelines, applications must follow all applicable City, State, and Utility Board standards. The guidelines address federal and state laws for the siting, construction, installation, collocation, modification, operation, and removal of wireless communications facilities in the public Right-of-Way.

The goals of this Ordinance are to:

1. Protect Residential Neighborhoods, corridors, and certain districts from adverse impacts of Telecommunications Facilities, including Towers; and
2. Encourage the location of Towers in non-residential areas; and

3. Minimize the total number of Towers in the city by encouraging Colocation strategies; and
4. Encourage creative and effective use of Stealth Technology for the concealment of new installations of Telecommunications Facilities; and
5. Provide standards for the siting, construction, installation, collocation, modification, operation, and removal of wireless communications facilities in the City's right of way and charges to be uniformly applied to all applicants.
6. Establish basic criteria for applications to site wireless communications facilities in the right of way and provide clear guidance to applicants.
7. Ensure that wireless communications facilities will conform to all applicable health and safety regulations and will blend into their environment to the greatest extent possible.
8. Enhance the ability of wireless communications carriers to deploy wireless infrastructure quickly, effectively, and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability.
9. Comply with, and not conflict with or preempt, all applicable state and federal laws.

Section 1102.

General Definitions.

For purposes of this subsection, the following General Definitions are included to provide greater clarity to this ordinance for specific terms referenced herein:

Aesthetic Plan: Means any publicly available written resolution, regulation, policy, site plan, or approved plat establishing generally applicable aesthetic requirements within the authority or designated area within the authority. An aesthetic plan may include a provision that limits the plan's application to construction or deployment that occurs after adoption of the aesthetic plan.

Alternative Structure: A structure that is not primarily constructed for the purpose of holding Antennas but on which one or more Antennas may be mounted, including but not limited to buildings, water tanks, pole signs, billboards, church steeples, electric power transmission poles/, and streetlights.

Antenna: An apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni- directional (whip) Antennas, sectionalized or sectorized (panel) Antennas, multi or single bay (FM& TV), Yagi, or parabolic (dish) Antennas. This definition does not include Towers.

Applicant: Means any person who submits an application pursuant to this part.

Application: Means a request submitted by an applicant to an Authority.

Architecturally Indiscernible: Means a building, addition or feature containing or housing an Antenna or related equipment which is architecturally harmonious in such aspects as façade material, height, bulk, scale, form, and design with the building or structure to which it is to be housed or located.

Authority: Means:

1. The City of Red Bank.
2. Upon state-owned property, the state.

This definition does not include a government-owned electric, gas, water, or wastewater utility that is a division of, or affiliated with a municipality, or county.

Authority-owned Potential Support Structure (PSS): Means a PSS owned by an authority but does not include a PSS owned by a distributor of electric power, regardless of whether an electric distributor is investor-owned, cooperatively owned, or government-owned.

Base Station means equipment and non-Tower supporting structure at a fixed location that enables Federal Communications Commission (“FCC”) licensed or authorized wireless telecommunications between user equipment and a communications network. Examples include Transmission Equipment mounted on a rooftop, water tank, silo or other above ground structure other than a Tower. The term does not encompass a Tower as defined herein or any equipment associated with a Tower. "Base Station" includes, but is not limited to:

1. Equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; radio transceivers, Antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks); any structure other than a Tower that, at the time the application is filed under this section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
2. “Base Station” does not include any structure that, at the time the application is filed under this section, does not support or house wireless Transmission Equipment.

Breakpoint Technology: The engineering design of a Monopole, or any applicable Support Structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the Monopole, the failure will occur at the Breakpoint rather than at the base plate, anchor bolts, or any other point on the Monopole.

Cellular on Wheels (COW): A temporary wireless service facility placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

Clear Zone: Means that portion of the Right-of-Way that is intended for pedestrian traffic along the sidewalk. The minimum width and location of the Clear Zone shall be determined by the

paved area of any sidewalk within the Right-of-Way, however, in all instances it must be a minimum of forty-eight (48) inches of width and otherwise compliant with the Americans with Disabilities Act (ADA) for public sidewalk accessibility. In areas of congested pedestrian activity in the Form Based Code District, a wider minimum portion of the sidewalk may be required. The location of the Clear Zone shall be consistent for the entire block, and in most instances it shall be required to be located immediately adjacent to the facade of adjoining properties. The Clear Zone must at all times be free from any items, obstacles, or barriers so as to allow clear movement for pedestrians along the public Right-of-Way.

Co-Locate, Collocating, and Colocation: In their respective noun and verb forms, to install, mount, maintain, modify, operate, or replace small wireless facilities on, adjacent to, or related to a Potential Support Structure (PSS). “Colocation” does not include the installation of a new PSS or replacement of authority-owned PSS. The term(s) may also refer to shared use of existing Towers by small cell wireless, or other wireless telecommunications installations. Co-location is preferred to the construction of new Towers, or PSSs when practical.

Communications Facility: means the set of equipment and network components, including wires and cables and associated facilities, used by a Communications Service Provider to provide Communications Service.

Communications Service: Means cable service as defined in 47 U.S.C. § 522(6), telecommunications service as defined in 47 U.S.C. § 153(53), information service as defined in 47 U.S.C. § 153(24) or wireless service.

Communications Service Provider: Means a cable operator as defined in 47 U.S.C. § 522(5), a telecommunications carrier as defined in 47 U.S.C. § 153(51), a provider of information service as defined in 47 U.S.C. § 153(24), a video service provider as defined in § 7-59-303, or a wireless provider.

Fee: Means a one-time, nonrecurring charge.

Historic District: Means a property or areas zoned as an historic district or zone pursuant to Tennessee Code Annotated § 13-7-404.

Distributed Antenna System (DAS): A system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one Antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the Antennas.

Eligible Facilities Request: A request for modification of an existing Tower or Base Station involving Collocation of new Transmission Equipment; removal of Transmission Equipment; or replacement of Transmission Equipment that does not Substantially Change the physical dimensions of such Tower or Base Station.

Eligible Support Structure: Any Tower or Base Station existing at the time the application is filed with the City. For purposes of this ordinance, the definition of “Eligible Support Structure” shall include utility structures currently hosting fiber, cable and wire used in the distribution of telecommunications services.

Local Authority: Means the City of Red Bank.

Micro Wireless Facility: Means a small wireless facility that:

1. Does not exceed twenty-four inches (24") in length, fifteen inches (15") in width, and twelve inches (12") in height; and
2. The exterior antenna, if any, does not exceed eleven inches (11") in length.

Monopole: A structure that consists of a single vertical pole without guy wires, designed and erected on the ground to support communications antennas and connected appurtenances. A monopole could either be a Tower or a Small Cell Support Structure but would not include Non-Tower Wireless Communications Facilities since those are not originally designed to support communications Antennas and connected appurtenances.

Non-Tower Wireless Communications Facilities: Wireless communications facilities other than Tower-based wireless communications. This includes facilities mounted to existing structures that were not originally intended to accommodate wireless communications facilities, such as buildings, Utility Poles, water towers, steeples, billboards, flagpoles, etc.

Ordinance: Shall refer to this and other applicable sections of the Red Bank Municipal Code, as amended.

Person: Means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including an Authority.

Personal Wireless Service Facility (PWSF): means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996 (Telecommunications Act), and usually consisting of an Antenna or group of Antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a Tower. Facilities may include new, replacement, or existing Towers, replacement Towers, collocation on existing Towers, Base Station attached concealed and non-concealed Antenna, dual purpose facilities, concealed Towers, and non-concealed Towers, so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Planning Commission: Shall mean the City of Red Bank Municipal Planning Commission.

Potential Support Structure for a Small Wireless Facility (PSS): Means means a pole or other structure used for wireline communications, electric distribution, lighting, traffic control, signage, or a similar function, including poles installed solely for the collocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.

For the purposes of this Ordinance, a PSS could include a Monopole or a Non-Tower Wireless Communications Facility that is erected within the public Right-of-Way or on private property and that does not exceed forty feet in height in zoning districts allowing residential uses, or the lesser of either, the maximum building height in the associated zoning district, or no more than

forty (50) feet in zoning districts that disallow residential uses.

Qualified Co-Location Request: Any request for Collocation of a PWSF on a Tower or Base Station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

Rate: Means a recurring charge.

Residential Neighborhood: means an area within a local authority's geographic boundary that is zoned or otherwise designated by the local authority for general purposes as an area primarily used for single-family residences and does not include multiple commercial properties and is subject to speed limits and traffic controls consistent with residential areas;

Right-of-Way or ROW: Means the space, in, upon, above, along, across, under, and over all public streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skywalks under the control of the Authority, and any unrestricted public utility easement established, dedicated, platted, improved, or devoted for utility purposes and accepted as such public utility easement by the authority, but excluding lands other than streets that are owned by the authority.

Small Wireless Facility: Means a wireless facility with:

1. An Antenna that could fit within an enclosure of no more than six (6) cubic feet in volume; and
2. Other wireless equipment in addition to the antenna that is cumulatively no more than twenty-eight (28) cubic feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. "Other wireless equipment" does not include an electric meter, concealment element, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch, or a vertical cable run for the connection of power and other services; and
3. Small Wireless Facility includes a Micro Wireless Facility.

Smart Pole: Means any pole, which consists of a design pre-approved by the City of Red Bank, for the purpose of also serving as a Telecommunications Facility Support Structure, including Potential Support Structures for a Small Wireless Facility.

Staff: Means those employees of the City of Red Bank assigned to support and/or administer the powers and duties prescribed to the Red Bank Municipal Planning Commission.

Stealth Technology: Means design techniques applied to telecommunications structures that will help conceal them or make them less visible to the casual observer. Implementation of such techniques shall have the goal of making a telecommunications Architecturally Indiscernible. Such techniques may include, but are not limited to, facilities constructed to resemble light poles, trees, flagpoles, steeples, or other streetscape elements. Stealth Technology may also include concealment wrap, landscaping, and placing applicable structures underground.

Substantial Change: Means a modification or Collocation of an Eligible Support Structure if it meets any one or more of the following criteria:

1. A Telecommunications Facility Collocation on an existing PSS structure within a Right-of-Way that increases the overall height of the structure, Antenna and/or Antenna array more than 10% or 10 feet, whichever is greater.
2. A Telecommunications Facility Collocation for Towers not in a Right-of-Way that protrudes from the structure more than 10% or 20 feet, whichever is greater, or the width of the structure at the elevation of the Collocation, and for Towers within a Right-of-Way, that protrudes from the structure more than 6 feet.
3. A Telecommunications Facility Collocation on an existing structure that fails to meet current building code requirements (including wind loading).
4. A Telecommunications Facility Collocation that adds more than four (4) additional equipment cabinets or one (1) additional equipment shelter.
5. A Telecommunications Facility Collocation that requires excavation outside of existing leased or owned parcel or existing easements.
6. A Telecommunications Facility Collocation that defeats any existing concealment elements of the structure.
7. A Telecommunications Facility Collocation that fails to comply with all conditions associated with the prior approval of the structure except for modification of parameters as permitted in this section.

Support Structure: Means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Telecommunications Facility: Means one or more Antenna, utility structures currently hosting either fiber, cable or wire, Tower, Base Station, mechanical and/or electronic equipment, conduit, cable, fiber, wire, and associated structures, enclosures, assemblages, devices and supporting elements that generate, transmit or produce a signal used for communication that is proposed by an entity other than the City of Red Bank, including but not limited to radio/TV/satellite and broadcast Towers, telephone service, including new microwave or cellular Towers, PWSF, DAS, Small Wireless Facilities and COW.

Tower: A support structure and all appurtenances constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of any telecommunications services or Personal Wireless Service Facility. This includes traditional commercial cellular Towers and Transport Poles. For the purposes of this Ordinance, a Tower is differentiated from a Potential Support Structure for a Small Wireless Facility in that a Tower is a Monopole that may exceed the permitted building height of the associated zoning district and is not permitted within the public Right-of-Way. A Tower may be concealed or non-concealed. Non-concealed Towers include:

1. Guyed - A style of Tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building; and
2. Lattice - A self-supporting, tapered style of Tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal cross strips or bars to support Antennas.

3. Monopole - A style of freestanding Tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of Tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Transport Pole: A type of Tower that includes microwave backhaul. Transport Poles are subject to all requirements associated with a Tower.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communications service, including, but not limited to radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with, but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility, Overhead: Utility infrastructure that is located primarily above ground as determined by Staff. For the purposes of this Ordinance, Overhead Utilities include, but are not limited to power lines and communications lines.

Utility Pole: A structure used for the support of electrical, telephone, cable television or other video services, street lighting, or other similar cables and located within the public Right-of-Way or Utility easement. A Small Cell Support Structure may be incorporated onto a Utility Pole provided such pole does not extend, with the application of Small Cell Support Structures.

Utility, Underground: Utility infrastructure that is located primarily underground as determined by Staff. For purposes of this Ordinance, underground utilities include, but are not limited to waster lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, certain Small Cell Support Systems/DAS structures, and communications lines.

Wireline Backhaul Facility: Means a communications facility used to transport communications services by wire from a wireless facility to a network.

Wireless Communications Facility: Means means equipment at a fixed, unstaffed location typically consisting of a Tower or Base Station that enables wireless communications between user equipment and a communications network, including:

1. Equipment cabinets associated with wireless communications.
2. All materials or techniques used to conceal the installation.
3. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
4. A "Wireless Communications Facility" does **not** include:
 - i. The structure or improvements on, under, or within which the equipment is collocated.

- ii. Wireline Backhaul Facilities; or
 - iii. Coaxial or fiber-optic cable that is in between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
5. A “Wireless Facility” includes small wireless facilities.

Wireless Provider: Means a person who provides wireless service.

Wireless Services: Means any service using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile provided to the public.

Section 1103.

Colocation Requirements.

Collocation or location on existing Alternative Structures is required where possible. Applicants for a new Telecommunications Facility must explore all Collocation opportunities and opportunities to locate their Antenna on existing Alternative Structures whenever possible. Any Applicant for a Telecommunications Facility shall utilize Eligible Support Structures first and then Alternative Structures.

Section 1104.

Exemptions and Administratively Approved Sites.

Determinations as to exemptions and administrative approval shall be provided by the Staff upon submission of a completed application. A Special Permit issued by the Red Bank Board of Zoning Appeals for Transmission Equipment shall not be required under the following circumstances:

1. Concealed Devices -Transmission Equipment which 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, as may be amended.
2. 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 create a Substantial Change. The setback requirements for freestanding Towers shall not be applied to existing structures used to support or house the Antenna. Additional antennas may be placed on existing Towers without obtaining a Special Permit. The placement of Antennas in or on existing structures or 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 as determined by the Building Official.
3. Existing Towers -Antennas, dishes, or similar equipment or additional users which do not create a Substantial Change, may be added on existing Towers without obtaining a Special Permit, but shall be subject to all applicable zoning, set-back, design, building permits, and building code

regulations.

Section 1105.

Special Permits Required:

Except as exempted by regulations of a particular zone, Special Permits shall be required for all Towers as provided herein:

1. Subject to the issuance of a Special Permit by the Board of Appeals for Variances and Special Permits, commercial Towers may be permitted to locate on publicly owned property in all zoning divisions where special permits are required.
2. Subject to the issuance of a Special Permit by the Red Bank Board of Zoning Appeals, commercial Towers may only be permitted to locate on any property whether publicly or privately owned that is located in any zone where Towers are listed as a permitted use.
3. The issuance of any Special Permit by the Red Bank Board of Zoning Appeals is subject to all landscaping standards, co-location requirements and other requirements set forth in the Special Permit procedures.

Section 1106.

Telecommunications Facilities located outside of the Right-of-Way: Such facilities are subject to the following conditions and approval by the Planning and Building Department Staff and/or the Red Bank Board of Zoning Appeals.

1. **Special Permit Procedures:** A completed application and the following information must be provided to the Building Department when applying for a Special Permit:
 - a. A schematic site plan, including schematic landscape plan with an elevation view of the type of facility to be placed on the site.
 - b. The site plan shall depict where the Tower is to be located on the site and where additional co-located Transmission Equipment, shelters or vaults can be placed.
 - c. Construction plans: Detailed construction plans or drawings prepared by a licensed 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.
 - d. 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.
 - e. Identification of the intended user(s) of the Tower.
 - f. A statement prepared by the applicant that considers other alternatives to the proposed site and the impact of the proposed Tower. A map of the coverage area

identifying all existing Towers and other sites with suitable zoning and adequate land area to site a 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.

- g. 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. False representations in an application shall be grounds for denial of a special exceptions permit. The Board of Appeals is specifically empowered to utilize its collective judgment in assessing and approving or denying the application based upon such information.
- h. 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. Applications failing to fulfill the co-location requirement are not eligible for administrative approval by the Building Official or other Staff.
- i. A statement indicating the owner's commitment to allow feasible shared use of the Tower within its design capacity for co-location.
- j. Documentation of a valid leasehold or ownership interest in the underlying property.
- k. The applicant or the landowner shall provide proof of the establishment of a financially secure and legally enforceable method of removing a 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 Tower, a removal bond, a letter of credit or any alternative financial arrangement which is approved by the city's Finance Officer as to 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.

Section 1107.

Fees: A non-refundable fee of one thousand five hundred (\$1,500) dollars must accompany any site plan submitted for the purposes of securing a building permit for the construction of a Tower. The fee covers engineering and other costs associated with the review of a site plan for a Tower.

Section 1108.

Aesthetics: Towers and Antennas shall meet the following requirements.

- a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration (FAA), be painted a neutral color to reduce obtrusiveness.
- b. At a Tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will enable them to blend into the natural setting and surrounding built environment.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Section 1109.

Landscape Requirements: Tower sites shall be subject to the following landscaping standards:

- a. 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) foot 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:
 - i. **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.
 - ii. **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) feet. Recommended species are American Holly, Foster Holly, Southern Magnolia, Eastern Red Cedar, Atlas Cedar, Deodar Cedar and Virginia Pine.
 - iii. **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 mature spread of at least five (5) feet. Recommended species include: Fragrant Olive, English Holly, Burford Holly, Nellie R. Stevens Holly, Wax Myrtle, Cherry Laurel, English Laurel and Leatherleaf Viburnum.
 - iv. **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.

- v. **Maintenance:** The property owner (or lessee if so provided in a written lease) shall be responsible for the maintenance of all installed 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.
- b. A break in the landscape not to exceed sixteen (16) feet in width shall be allowed for access for maintenance personnel and vehicles.
- c. 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 Director of Codes Administration finds that they achieve reasonably equivalent screening as specified in subsection (a) herein.
- d. In Commercial and Industrial Districts a sight-obscuring fence at least eight (8) feet in height and a minimum of seventy-five percent (75%) opaque may be substituted for screening trees or screening shrubs as specified in subsection (a) herein by special exception from the Board of Zoning Appeals when the applicant can demonstrate that it is impractical to provide living screening material.
- e. No screening shall be required if the applicant adequately demonstrates that base of the Tower site is not visible from adjoining property or is not otherwise visible from a dedicated Right-of-Way.
- f. Site landscaping is not required for Antennas which are being collocated on existing Towers, or which are being placed on other buildings or structures where the Antenna is allowed as an accessory use.
- g. No screening shall be required when this screening is explicitly prohibited by Federal Communications Commission regulations or is otherwise restricted by site limitations. The Red Bank Board of Zoning Appeals shall review and approve any deviations from the standards specified herein.

Section 1110.

Colocation Requirements:

- a. New 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 Collocation to at least three (3) additional single Antenna applications such as paging, 911, two-way, and emergency management communications. Additionally, the site must be sufficiently large enough to accommodate at least three (3) telecommunication equipment shelters, cabinets or additions to existing structures.
- b. New Towers of a height of two hundred (200) feet to two hundred fifty (250) feet 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 (1) 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 Collocation.

Section 1111.

Other Requirements:

- a. **Height:** No Tower shall exceed a height of two hundred and fifty (250) feet above grade.
- b. **Design Standards:** The proposed site plan and Tower design plans shall meet or exceed all applicable standards, as may be amended, 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, National Electrical Safety Code, and the American Steel Institute. The proposed site shall also be designed and built in compliance with Section 106 of the National Historic Preservation Act of 1996 if applicable.
- c. **Maintenance:** The property owner (or lessee if 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.
- d. **Removal of Abandoned Antennas and Towers:** Any permitted Tower 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 Official. Failure to remove an abandoned Tower shall be deemed to be a violation of these regulations and shall be subject to the penalty. The owner of the Antenna or Tower may appeal the decision of the Building Official 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.
- e. **Setback:** Towers shall be set back from all property lines on which the Tower is located by the distance equal to the height of the lowest engineered Breakpoint on the proposed structure or the height of the Tower. Provided, however, the minimum setback for any Tower is fifty (50) feet.
- f. **Breakpoint Technology:** For purposes of these regulations, the engineered failure point is the 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.

- i. 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.
 - ii. If the proposed Tower is designed with failure points that allow for the collapse of the structure upon itself, 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.
 - iii. 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.
 - iv. The Tower must comply with building codes and other federal, state, and local regulations.
- g. **Guyed Towers:** Any Tower requiring the use of guy wires is prohibited. Monopoles and Lattice Towers are permitted.
- h. A sign furnished by the Staff shall be prominently posted by the applicant on the site of the proposed Tower for at least fifteen (15) consecutive days prior to the meeting of the Red Bank Board of Zoning Appeals to give notice to the public of the application and the Board meeting date.

Section 1112.

Telecommunications Facilities located inside of the public Right-of-Way Towers as defined herein are prohibited within the right-of-way. Qualifying Telecommunications Facilities, including Potential Support Structures (PSS) for Small Wireless Facilities located within Rights-of-Way are subject to the following standards, conditions, procedures, along with Staff review and approval in accordance with Tennessee Code Annotated § 13-24-401 et seq.

1. **General Location Criteria.** The following shall apply to all Communication Facilities locating in the public Right-of-Way.
 - a. **Collocation Preference.** Whenever an applicant proposes to place a new wireless facility within 250 feet from an existing wireless facility, whether on a new pole or an existing potential support structure, the applicant must either collocate with the existing facility or demonstrate with clear and convincing evidence that a collocation is either not technically feasible or space on the existing facility is not potentially available.
 - b. **Adherence to an adopted Aesthetic Plan.** pursuant to TCA § 13-24-411,

Construction or deployments shall adhere to the City's adopted Aesthetic Plan.

- c. **General Limitation on New Poles.** The standards herein strongly discourage more than one new pole per 500 feet.
- d. **Alignment with Other Poles.** The centerline of any new pole must be aligned with the centerlines of existing poles on the same sidewalk segment, but only if the new pole height does not conflict with overhead power utility lines and facilities.
- e. **Setbacks for Visibility and Access.** Any new pole and/or equipment and other improvements associated with a new or existing pole must be set back from intersections, alleyways and driveways and placed in locations where it will not obstruct motorists' sightlines or pedestrian access. In general, no obstruction will occur when a new structure and/or equipment is setback at least (i) 50 feet from any intersection; (ii) six (6) feet from any driveway cut or alleyway entrance or exit; or (iii) six (6) feet from any permanent object or existing lawfully-permitted encroachment in the public right-of-way, including without limitation bicycle racks, traffic signs and signals, street trees, open tree wells, benches or other street furniture, streetlights, door swings, gate swings or sidewalk café enclosures. An additional setback for a specific pole may be required when presumptively acceptable setback would nevertheless obstruct motorists' sightlines or pedestrian access.
- f. **Obstructions.** Any new pole and/or equipment and other improvements associated with a new existing pole must not obstruct any:
 - i. Worker access to any above-ground or underground infrastructure for traffic control, streetlight or public transportation, including without limitation any curb control sign, parking meter, vehicular traffic sign or signal, pedestrian traffic sign or signal, barricade reflectors;
 - ii. Access to any public transportation vehicles, shelters, street furniture or other improvements at any public transportation stop
 - iii. Worker access to above-ground or underground infrastructure owned or operated by any public or private utility agency;
 - iv. Fire hydrant access;
 - v. Access to any doors, gates, sidewalk doors, passage doors, stoops or other ingress and egress points to any building appurtenant to the right-of-way; or
 - vi. Access to any fire escape.
- g. **Americans With Disabilities Act.** Notwithstanding compliance with the requirements herein, structures and facilities shall not be in conflict with the Americans With Disabilities Act by hindering use of the Right-of-Way.
- h. **Historic or Architecturally Significant Structures.** Any new pole and/or

equipment and other improvements associated with a new or existing pole may not be placed directly in front of any historic or architecturally significant structures in prominent locations. Applicant must comply with federal rules regarding historic structures and require a Section 106 study (National Historic Preservation Act (NHPA) on all applicable installation locations.

- i. Public Utility Easements.** The City may prohibit or limit deployment or colocation of Small Wireless Facilities in public utility easements when the easements are:

 - i. Not contiguous with paved roads or alleys on which vehicles are permitted.
 - ii. Located along the rear of residential lots, parcels, or tracts.
 - iii. In an area where no electric distribution or telephone utility poles are permitted to be deployed.
- j. Potential Support Structures used for lighting.** The City may require lighting to be included on a replacement PSS.
- k. Deployments affecting regulatory signs.** If an applicant submits an application that will affect a regulatory sign as defined by the Manual on Uniform Traffic Control Devices, or any sign requiring breakaway supports, the City may deny the application. Under these circumstances, the applicant may seek reconsideration of the design through a conference which shall be held within thirty (30) days of such a request by the applicant.
- l. Unsafe, abandoned, or inoperable deployments.** When a deployment as regulated herein is abandoned, deemed unsafe, or rendered inoperable, the City shall remove or cause the removal or repair of the deployment in order to restore the Right-of-Way to a safe condition.
- m. Undergrounding.** The City may require an applicant to comply with undergrounding requirements in the Right-of-Way for compliance in certain circumstances or locations, or to comply with an established Aesthetic Plan.
- n. Restoration and Maintenance of the Right-of-Way.** The City may require an applicant to:

 - i. Repair damage caused by entities entitled to deploy infrastructure in a Right-of-Way, including damage to public roadways, sidewalks or other pedestrian facilities, and bicycle paths, and to other utility facilities placed in a ROW consistent with established policies.
 - ii. Require maintenance or relocation of infrastructure deployed in the ROW, timely removal of infrastructure no longer utilized, and require insurance, a surety bond, or indemnification for claims arising from the applicant's negligence consistent with established policies.
- o. Work permits.** Notwithstanding approval of applications as controlled within this Ordinance, the City shall also require applicants to obtain work, or traffic permits

and pay the established fees if any prior to the deployment of a PSS or Small Wireless Facility.

p. Categories of Applications: Every application to locate Wireless Communication Facility in the right of way shall be classified by the following types:

q. Minor modification that:

- i. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower, utility pole or base station.
- ii. Does not substantially change the physical dimension (width, height, and depth) of the existing wireless tower, pole-mounted equipment or base station.

r. Major modification that:

- i. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
- ii. Substantially changes the physical dimension (width, height, and depth) of the existing wireless tower or base station or does not qualify for approval pursuant to 47 U.S.C. § 1455(a) for any lawful reason.

s. New transmission equipment on an existing or new utility pole:

- i. Siting new transmission equipment on a Potential Support Structure in the right of way that does not already support transmission equipment; or
- ii. Siting a new wireless communication facility on a new pole or other support structure in the right of way.

2. Minor Modifications: Minor modifications are additions or changes to previously approved facilities and covered under 47 U.S.C. § 1455(a), which mandates approval for certain applications that do not propose a substantial change to the underlying facility. Federal regulations provide specific definitions and criteria for approval or denial. The provisions in this section are intended to assist applicants and application reviewers to determine whether an application qualifies for approval as a minor modification.

a. Approval and Denials

- i. **Criteria for Approval.** Staff may approve an application for a minor modification when it finds that the proposed project:
 1. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and
 2. Does not substantially change the physical dimensions of the existing wireless tower or base station.

b. Criteria for Denial. Notwithstanding any other provisions in this Ordinance, and

consistent with all applicable federal laws and regulations, the application may be denied for a minor modification when it finds that the proposed project:

- i. Does not satisfy the criteria for approval;
- ii. Violates any legally enforceable standard or permit condition reasonably related to public health and safety; or
- iii. Involves the replacement of the entire support structure, triggering other applicable standards.

1. Major Modifications

- a. **General Design and Construction Standards.** To promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community, wireless facilities in the public right-of-way must comply with all applicable provisions in this section. In the event that any other law, regulation or code requires any more restrictive structural design and/or construction requirements, the most restrictive requirement will control.
- b. **Collocation.** Collocations between two separate wireless service providers on the same support structure is encouraged whenever feasible and safe.
- c. **Antennas on Existing or Replaced Utility Poles.** The antenna(s) associated with installation on existing or replaced utility poles must be located within the communication zone and have concealed cable connections, antenna mount and other hardware. The maximum dimensions for panel style antennas shall be 30” high and 12” wide. The maximum dimensions for canister style antennas shall be 30” high and 16” in diameter.
- d. **Antennas on New Stand Alone Poles without Power or other Utility Lines.** The antenna(s) associated with installation on new poles that are not replacing utility poles may have antennas located on top of the pole, provided there are no electrical lines located on the poles. These antennas must have concealed cable connections, antenna mount and other hardware. The maximum dimension shall be 48” high and 18” wide.
- e. **Equipment Mounting on Existing or Replaced Utility Poles.** All pole-mounted equipment must be installed as flush to the pole as possible, using stainless steel banding straps. Through-bolting or use of lag bolts is prohibited. All pole mounted equipment shall be located as close together and if possible on the same side of the pole. Standard color for all equipment shall be grey but other colors may be required when installing on a decorative pole.
- f. **Pole-Mounted Equipment Cages or Equipment Shrouds.** When pole-mounted equipment is either permitted or required, all equipment other than the antenna(s), electric meter and disconnect switch must be concealed within an equipment cage. Equipment cages may not extend more than 24 inches from the face of the pole. The equipment cage must be non-reflective and be colored gray or in a color matching the existing pole. Equipment cages should be mounted flush to the pole.

All pole-mounted equipment must be installed as flush to the pole as possible. Any standoff mount for the equipment cage may not exceed 4 inches.

- g. **Undergrounded Equipment Vaults.** Pole-mounted equipment in self-contained cages is permitted, but equipment in an environmentally controlled underground vault may be required in some areas.
- h. **Ground-Mounted Equipment.** New ground-mounted equipment is not permitted, unless the applicant shows clear and convincing evidence that the equipment cannot be feasibly installed as a pole-mounted installation, in an environmentally controlled underground vault, or within an existing street feature (such as a bus stop shelter) for a valid technical reason. Increased costs alone shall be presumed to be insufficient. In the event that ground-mounted equipment is used, the applicant must conform to the following requirements:
 - i. **Self-Contained Cabinet or Shroud.** The equipment shroud or cabinet must contain all the equipment associated with the facility other than the antenna. All cables and conduits associated with the equipment must be concealed from view, routed directly through the tapered metal pole (with the exception of Utility Board power poles) and undergrounded between the pole and the ground-mounted cabinet.
 - j. **Concealment.** The Ground-Mounted Equipment shall incorporate concealment elements into the proposed design. Concealment may include, but shall not be limited to, public art displayed on the cabinet, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
 - k. **Ambient Noise Suppression.** The applicant is required to incorporate ambient noise suppression measures and/or required to place the equipment in locations less likely to impact adjacent residences or businesses to ensure compliance with all applicable noise regulations.
 - l. **Utility Lines.** Service lines must be undergrounded whenever feasible to avoid additional overhead lines. For metal poles, undergrounded cables and wires must transition directly into the pole base without any external junction box.
 - m. **Electric Meter.** Each wireless communication facility must be individually metered. Multiple operators on a shared pole must have their own meter. Site operators shall use the smallest and least intrusive electric meter available. Whenever permitted by the electric service provider, the electric meter base should be painted to match the pole.
 - n. **Telephone/Fiber Optic Utilities.** Cabinets for telephone and/or fiber optic utilities may not extend more than 10 inches from the face of the pole, and must be painted, wrapped or otherwise colored to match the pole.
 - o. **Spools and Coils.** To reduce clutter and deter vandalism, excess fiber optic or coaxial cables for wireless communication facilities shall not be spooled, coiled or otherwise stored on the pole except within the approved enclosure such as a cage or cabinet.

- p. **Underground Conduit.** All underground conduit placed behind the curb face and underneath the sidewalk must be SCH 80 PVC encased in concrete. All underground conduit must be Rigid Conduit when placed: (1) underneath driveway aprons, (2) within tree wells or (3) in front of the curb face and beneath the street.
- q. **Above-Ground Conduit.** On wood poles, all above-ground wires, cables and connections shall be encased in the smallest section or smallest diameter PVC channel, conduit, u-guard, or shroud feasible, with a maximum dimension of 4" diameter, and painted to match the pole.
- r. **Ground Rods.** All ground rods shall comply with current ANSI/TIA 222 and other applicable standards. If attaching to existing utility poles, wireless communication facilities shall be bonded (connected) to the existing pole ground or as required by the utility.
- s. **Lights.** Unless otherwise required for compliance with FAA or FCC regulations, the facility shall not include any permanently installed lights. Any lights associated with the electronic equipment shall be appropriately shielded from public view. The provisions in this subsection shall not be interpreted to prohibit installations on streetlights or the installation of luminaires on new poles when required.
- t. **Generally Applicable Health and Safety Regulations.** All facilities shall be designed, constructed, operated and maintained in compliance with all generally applicable health and safety regulations, including without limitation all applicable regulations for human exposure to RF emissions.

2. **New and Replacement Poles or Structures**

- a. **General Restrictions on New Wood PSS installations.** In all locations, the City reserves the right to require a metal PSS rather than a wood PSS based on the built and/or natural environmental character of the proposed site location as found in the Aesthetic Plan.
- b. **Overall Height.** The heights of a PSS should be consistent with other poles in the vicinity, the built environment, the neighborhood character, the overall site appearance and the purposes in these standards. In no case shall a PSS installation exceed forty (40) feet in height in zoning districts allowing residential uses, or where applicable, the lesser of either, the maximum building height in the associated zoning district, or no more than forty (50) feet in zoning districts that disallow residential uses.
- c. **Pole Diameter.** Pole diameter shall be consistent with the surrounding poles. The applicant shall consider other poles in vicinity, the built environment, the neighborhood character, the overall site appearance and the purposes in these Guidelines.
- d. **Wood Pole Footings and Foundations.** All new wood poles, if permitted, must be direct buried to a depth determined, stamped, sealed and signed by a professional engineer licensed and registered by the State of Tennessee, and subject to review and approval.

- e. **Tapered Metal Pole Footings and Foundations.** All new tapered metal poles must be supported with a reinforced concrete pier designed, stamped, sealed and signed by a professional engineer licensed and registered by the State of Tennessee, and subject to review and approval.
- f. **Tapered Metal Pole Material.** All tapered metal poles must be constructed from hot-dip galvanized steel or other corrosion-resistant material and finished in accordance with these Guidelines to avoid rust stains on adjacent sidewalks, buildings or other improvements.
- g. **Lighting; Banners.** The applicant may be required to install functional streetlights and/or banner brackets if technically feasible when it is determined that such additions will enhance the overall appearance and usefulness of the proposed facility.
- h. **Signage.** Signage and labeling on poles and equipment should be limited only to what is required by FCC and OSHA. In addition, site node information (pole address, node identification number, and emergency contact information) may be included.
- i. **Damage of Equipment.** Upon notification, the wireless communication facility provider must rectify any aesthetic damage to their equipment within 30 days. Any damage that concerns safety must be addressed immediately.

3. **Installations on Existing Poles and Other Potential Support Structures**

- a. **General.** The standards encourage applicants to consider existing poles and other potential support structures prior to any new pole to reduce congestion in the public right-of-way. All generally applicable design, construction and location standards will be considered when reviewing applications for new facilities installed on existing poles or other potential support structures in the public right-of-way.
- b. **Privately-Owned Structures.** For a privately-owned structure in the public right-of-way onto which an applicant proposes to attach a wireless communications facility, if the owner of the structure requires more restrictive standards than those contained in these Guidelines, the more restrictive standards shall control. If any portion of a privately-owned structure is on private property, the applicant must first obtain all applicable zoning and building permits prior to submittal.
- c. **City Owned Structures.** The City, in its proprietary capacity, retains sole and absolute discretion over whether and on what terms it may allow wireless facilities on its poles and other facilities in the public right-of-way notwithstanding conflicting design provisions set forth in these Guidelines. Applicants may not submit any applications in connection with City-owned poles or other facilities without a valid and fully executed agreement to use the specific pole or other facility. The City shall not authorize any attachments to City-owned infrastructure that negatively impacts the structural integrity of the support structure.
 - i. **Independent Power Source.** A Wireless Communications Facility on a City-owned Potential Support Structure may not use the same power source

that provides power for the original purpose of the Potential Support Structure.

- ii. **City-Owned Traffic Control Signal Poles.** The City prohibits wireless facilities (and all other non-traffic control facilities) on City-owned traffic control signal poles.
4. **Additional Design and Construction Standards for Major Modifications.** In addition to all applicable General Design and Construction Standards, all major modifications to eligible facilities are to comply with the following requirements:
- a. **Coordination with Original Facility Design.** The applicant must design the proposed installation in a manner that mimics the design and any concealment elements of the existing facility. To the extent feasible, new facilities should utilize capacity in existing equipment cages or cabinets and existing conduits or risers.
 - b. **Antennas.** The guidelines discourage side-mounted antennas that overhang the roadway, but may permit side-mounted antennas that overhang the sidewalk provided that the antenna complies with all applicable setbacks and vertical clearance requirements.
 - c. **Structural Integrity.** Any additional equipment must not negatively impact the structural integrity of the support structure and must comply with all applicable local, state and federal codes and regulations.
5. **Minor Technical Exceptions.** In some circumstances strict compliance with these Guidelines may result in undesirable aesthetic outcomes, and minor deviations may be granted when the need for such deviation arises from circumstances outside the applicant's control. For example, if an applicant proposes to construct a standard configuration facility in an office district, but required a pole with a slightly wider base due to poor foundation conditions, the City may grant a technical exception rather than subjecting an otherwise preferred design to a standard review. In contrast, if an applicant proposed a 50-foot tall standard configuration facility in an office district because it desired additional service area, the City would apply standard review because the need for additional height arises from the applicant's preferences. This section describes the required findings for a minor technical exception.

Required Findings. The City may, in its sole discretion, grant a minor technical exception from strict compliance with the design and location guidelines when:

- a. The applicant has requested an exception in writing;
- b. The proposed facility would normally qualify for minor review but for the need for a minor technical exception;
- c. The need for the exception arises from an external factor outside the applicant's control that impacts public health, safety or welfare, including without limitation soil compaction, existing congestion or clutter with in the right-of-way or other location-specific condition or phenomenon.
- d. The proposed deviation from the applicable requirement is less than 10%

larger than the generally applicable standard; and

- e. The granting of a minor technical exception would not create any obvious hazard or unreasonable obstruction in the public right-of-way.

6. **Application Requirements and Fees for Small Wireless Facilities.** The City shall require a completed application in adherence to the following requirements:

- a. An applicant shall include up to twenty (20) Small Wireless Facilities in a single application.
 - i. The application fee shall be one hundred (\$100) dollars for each of the first five (5) Small Wireless Facilities in a single application.
 - ii. An additional two hundred (\$200) dollar fee for the first application an applicant files following the effective date of this Ordinance.
 - iii. Beginning January 1, 2020 and every five (5) year interval thereafter, the application fee will be raised ten (10) percent more than previously required.
 - iv. The annual rate for colocation of a Small Wireless Facility on a City-owned PSS shall be one hundred (\$100) dollars per installation.
- b. Upon the submittal of an application to the City Building Department, Staff shall determine whether the application is complete and notify the applicant of any deficiencies relating to one or more Small Wireless Facilities included in an application within thirty (30) days, and if there is a need to conduct a conference with applicant to clarify or correct:
 - i. Safety considerations not adequately addressed by the application or regarding which the local authority proposes additional safety-related alterations to the design;
 - ii. Potential of conflict with another applicant's application for the same or a nearby location;
 - iii. Impact of planned construction or other public works projects at or near the location identified by the application;
 - iv. Alternative design options that may enable colocation on existing PSS instead of deployment of new PSS or opportunities and potential benefits of alternatives design that would incorporate other features or elements of benefit to the City.
- c. The City shall approve or deny application for deployment or colocation of Small Wireless Facilities within sixty (60) days unless circumstances allowing extension to seventy-five (75) days as allowed by TCA § 13-24-409.

- d. A preliminary site plan shall be required with a diagram or engineering drawing depicting the design for installation of the Small Wireless Facility with sufficient detail for Staff to determine that the design of the proposed installation and any new PSS or any modification of a PSS is consistent with all generally applicable aesthetic, design, and safety requirements, including those specified by the Manual on Uniform Traffic Control Devices. Such a site plan shall include:
- i. The location of the site, including the latitudinal and longitudinal coordinates of the specific location of the site;
 - ii. Identification of any third party upon whose PSS the applicant intends to collocate and certification by the applicant that it has obtained approval from the third party;
 - iii. The applicant's identifying information and the identifying information of the owner of the small wireless facility and certification by the applicant or the owner that such person agrees to pay applicable fees and rates, repair damage, and comply with all generally applicable ROW requirements for deployment of any associated infrastructure that is not a Small Wireless Facility and the contact information for the party that will respond in the event of an emergency related to the small wireless facility;
 - iv. The applicant's certification of compliance with surety bond, insurance, or indemnification requirements; rules requiring maintenance of infrastructure deployed in ROW; rule requiring relocation or timely removal of infrastructure in ROW no longer utilized; and any rules requiring relocation or repair procedures for infrastructure in ROW under emergency conditions, if any, that the local authority imposes on a general and non-discriminatory basis upon entities that are entitled to deploy infrastructure in the ROW; and
 - v. The applicant's certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight bearing capacity of the PSS and small wireless facility. Those standards relevant to engineering must be certified by a licensed professional engineer.
- e. Timeframe for deployment. If an applicant does not complete deployment within nine (9) months of receiving approval for an application, the City shall require the applicant to complete a new application and pay an additional application fee, unless both parties, by mutual agreement agree to an extension, or because the deployment is delayed because of a lack of commercial power or communication transport facilities to the site.

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.

This Ordinance shall take effect from and after the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

MAYOR OF RED BANK, TENNESSEE

ATTEST:

CITY RECORDER

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO.19-1149

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE,
AMENDING THE ZONING MAP TO REZONE FROM C-1 COMMERCIAL TO C-3
NEIGHBORHOOD COMMERCIAL THE PROPERTIES FRONTING ON BOTH SIDES OF
DAYTON BOULEVARD FROM TAX MAP 109I GROUP C PARCEL 010 AT 4301
DAYTON BOULEVARD NORTH TO AND INCLUDING TAX MAP 109B GROUP D
PARCEL 004 AT AN UNADDRESSED PROPERTY ON DAYTON BOUELEVARD AND
FROM TAX MAP 109J GROUP A PARCEL 027 AT 4300 DAYTON BOULEVARD NORTH
TO AND INCLUDING TAX MAP 109B GROUP L PARCEL 001 AT 1 PAULMAR DRIVE.

WHEREAS *Tennessee Code Annotated* (TCA) § 13-7-201 allows municipal governments the authority to regulate land use through zoning of properties within its city limits,

WHEREAS the Red Bank municipal planning commission has certified and the City Commission has by Ordinance adopted zoning districts as provided for in TCA § 13-7-202 et. seq.; and

WHEREAS TCA §13-7-204 authorizes amendments to the zoning map of the City of Red Bank and provides for that process; and

WHEREAS the rezoning of the subject properties from the presently designated C-1 zoning district to the C-3 zoning district conforms to the goals of the Red Bank 2020 Land Use Plan; and

WHEREAS the City of Red Bank has submitted an application to rezone the subject properties from C-1 Commercial to C-3 Commercial; and

WHEREAS the descriptions of said properties are more particularly and graphically described and detailed on Exhibit A; by tabular reference to each of the impacted map parcel numbers, owner references and other identifying information.

WHEREAS the owner of each of the identified parcels as well as all property owners of properties within the ordinance specified distance of each and every of the identified parcels has been notified via certified and regular mail of the intended re-zoning of the referenced parcels and of the hereafter referenced meetings and public hearings of the Red Bank Planning Commission and of the Red Bank City Commission at which such contemplated actions scheduled or are scheduled to be considered.

WHEREAS all of the affected properties have been posted with NOTICE of the referenced zoning amendments to be considered and of the public hearings held or to be held.

WHEREAS the Red Bank Planning Commission provided an opportunity for citizens to submit comments in favor of or against the proposed rezoning at an advertised public hearing held in conjunction with its regular meeting on February 21st, 2019; and

WHEREAS, the Red Bank Planning Commission found that the rezoning would not have a negative effect on surrounding property owners and recommends approving the ordinance; and

WHEREAS the City Commission provided an opportunity submit comments in favor of or against the proposed rezoning at an advertised public hearing during its regularly scheduled City Commission Meeting on March 19, 2019, prior to the final reading of this ordinance; and

WHEREAS the City Commission finds that the proposed rezoning of the listed properties from C-1 to C-3 afforded by the rezoning request would not have a negative impact on adjacent properties and is consistent with the Red Bank 2020 Land Use Plan

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF RED BANK, TENNESSEE, AS FOLLOWS:

Section 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by rezoning from C-1 Commercial to C-3 Neighborhood Commercial the properties fronting on both sides Dayton Boulevard from and including Tax Map 109I Group C Parcel 010 at 4301 Dayton Boulevard north to and including Tax Map 109B Group D Parcel 004 (ADD ADDRESS) and from and including Tax Map 109J Group A Parcel 027 at 4300 Dayton Boulevard north to and including Tax Map 109B Group L Parcel 001 at 1 Paulmar Drive as described by reference in Exhibit A and as shown on the map which is Exhibit B, both of which Exhibits are attached hereto and incorporated herein by reference.

Section 2. Upon the adoption of this Ordinance, the Zoning maps of the City shall be amended and changed to reflect this rezoning.

Section 3. That 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 affect or impair any other section, sentence, clause, or phrase.

Section 4. That this ordinance shall take effect from and after the date of its final passage, the public welfare of the City of Red Bank, Tennessee requiring it.

MAYOR

CITY RECORDER

PASSED ON FIRST READING

PASSED ON SECOND READING

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit A: Hamilton County Tax Records and Legal Descriptions for Subject Properties

ID	ADDRESS	TAX_MAP_NO	LEGAL_DESC1	OWNER NAME1	SALE1 BOOK	SALE1 PAGE	SUBDIV NAME	PLAT BOOK	PLAT PAGE	PLAT LOT	LOT ACRES	LU CODE
46486	4320 DAYTON BLVD	109G H 001	LTS 1 & 2 PT 32 VALLEY VIEW PB9 PG15	RED BANK PRESBYTERIAN CHURCH	1239	0549	VALLEY VIEW	9	15	LTS 1,2	1.077	691
110743	4320 DAYTON BLVD	109J E 045	LT 1 VALLEY VIEW ADDN NO 2 PB9 PG18	RED BANK PRESBYTERIAN CHURCH	1337	0220	VALLEY VIEW ADDN NO	9	18	1	0.461	691
46566	4405 DAYTON BLVD	109H D 016	PT LT 8 G H MABRY SUB PB15 PG32	MOORE JOYCELINE T	7014	0407	MABRY G H	15	32	PT 8	1.208	534
35172	4500 DAYTON BLVD	109G F 024	LT 26 HILLSDALE SUB PB14 PG39	MAPCO EXPRESS INC	8023	0041	HILLSDALE	14	39	26	0.414	548
46655	4304 DAYTON BLVD	109J A 001	LT 30 VALLEY VIEW ADDN NO 2 PB 9 PG 18	JOHN CHAMPAGNE BUS SERVICE LLC	10589	0817	VALLEY VIEW ADDN NO	9	18	30	0.452	548
26751	4408 DAYTON BLVD	109G G 028	LT 1 PATTERSON & GUESS PB 14 PG 67 BLK 1	MILLER JORDAN	9493	0842	PATTERSON & GUESS	14	67	1	0.264	580
26749	4400 DAYTON BLVD	109G G 026	LT 3 VALLEY VIEW SUB PB 9 PG 15	COLEMAN CLEON II	10838	0363	VALLEY VIEW	9	15	3	0.377	583
46582	4315 DAYTON BLVD	109H F 011	LT PT C CRESTVIEW PB 11-17 PG 26-19 1830C 43 09	RALPH MATHIEWS CONSTRUCTION CO INC	4752	0542	CRESTVIEW	11	26	PT C	0.218	615
26750	4406 DAYTON BLVD	109G G 027	LT 4 VALLEY VIEW SUB PB9 PG15	JOHNSON MARNA L	6545	0217	VALLEY VIEW	9	15	4	0.405	620
46462	4422 DAYTON BLVD	109G G 001	PT LT 27 HILLSDALE PB 14 PG 39	FLENGAS DEMETREOS & DANEAN	9455	0113	HILLSDALE	14	39	PT 27	0.270	620
46567	4401 DAYTON BLVD	109H D 018	PT LT B G H MABRY PB 15 PG 32	SERIES U OF APPLE TREE LLC	10780	0148	MABRY G H	15	32	B	0.702	620
46667	4300 DAYTON BLVD	109J A 027	PT LT UNSUBD ML HARTMANS PB L29 PG 504 1890A 04 27	CARLTON ANTHONY BYRON	10455	0180	HARTMANS ML	L29	504		0.264	630

110227	4418 DAYTON BLVD	109G G 045	PT LTS 19&20 BLK 2 PATTERSON & GUESS PB14 PG67	SAC PROPERTIES	4677	0556	PATTERSON & GUESS	14	67	PT19&2 0	1.137	650
46451	4512 DAYTON BLVD	109G E 016	LT 45 HILLSDALE NO 2 PB 14 PG 70	EBY CYNTHIA S	5469	0640	HILLSDALE NO 2	14	70	45	0.269	657
110477	4607 DAYTON BLVD	109B D 006	PT LT 1 MELVIN A BROWN ESTATE PB15 PG122 1830C 19 06	BLOCKLEY THOMAS E & KAREN A	3085	0425	BROWN MELVIN A ESTAT	15	122	PT 1	0.457	658
13675	4519 DAYTON BLVD	109G A 013	LOT 2 YARBROUGH EASTVIEW REVISED PB 765 PG 573	ROBINSON BETTY FAYE	8036	0754	YARBROUGH EASTVIEW	765	573	2	0.742	111
13676	4515 DAYTON BLVD	109G A 014	LOT 3 YARBROUGH EASTVIEW REVISED PB 765 PG 573	BONNER RANDY A	3918	0221	YARBROUGH EASTVIEW	765	573	3	0.712	111
35158	4505 DAYTON BLVD	109G A 019	W/S DAYTON PIKE	BOHANON VALERIE SPEED FOLTS	1370	0494					0.332	111
35159	4503 DAYTON BLVD	109G A 020	W/S DAYTON PIKE	BURTON TIMOTHY WILSON	7202	0496					0.393	111
35160	4501 DAYTON BLVD	109G A 021	LOT 1 THOMAS RESUB PB30 PG373	MAY JON T	8940	0732	THOMAS	30	373	1	0.386	111
35161	2 ORLANDO DR	109G B 001	LOT PT 1 DAYTONA HILLS REV PB 14 PG 38	DYE JANNELL S & LESLEY D	7109	0292	DAYTONA HILLS	14	38	PT1	0.178	111
35201	4425 DAYTON BLVD	109H C 010	LOT 2 THUELER PB 18 PG 38	DAVIS C TERRY	8068	0426	THUELER	18	38	2	0.376	111
35202	4423 DAYTON BLVD	109H C 011	LOT 1 THUELER PB 18 PG 38	MITTS VIRGINIA ANN	9236	0133	THUELER	18	38	1	0.335	111
46410	4513 DAYTON BLVD	109G A 015	WM CRERAR SUB PB 14 PG 134	REYNOLDS DONALD ROLAND & SHIRLEY B	3921	0145	CRERAR WM	14	134		0.747	111
46412	4509 DAYTON BLVD	109G A 017	W/S DAYTON PIKE	ROCK TIMOTHY A	6446	0297					0.572	111
46413	4507 DAYTON BLVD	109G A 018	W/S DAYTON PIKE	BOHANON R W & VALERIE FOLTS	0912	0198					0.358	111
46450	103 BRENTWOOD DR	109G E 015	LOT 44 HILLSDALE NO 2 PB 14 PG 70	ELSEA DAISY W	9288	0210	HILLSDALE NO 2	14	70	44	0.308	111

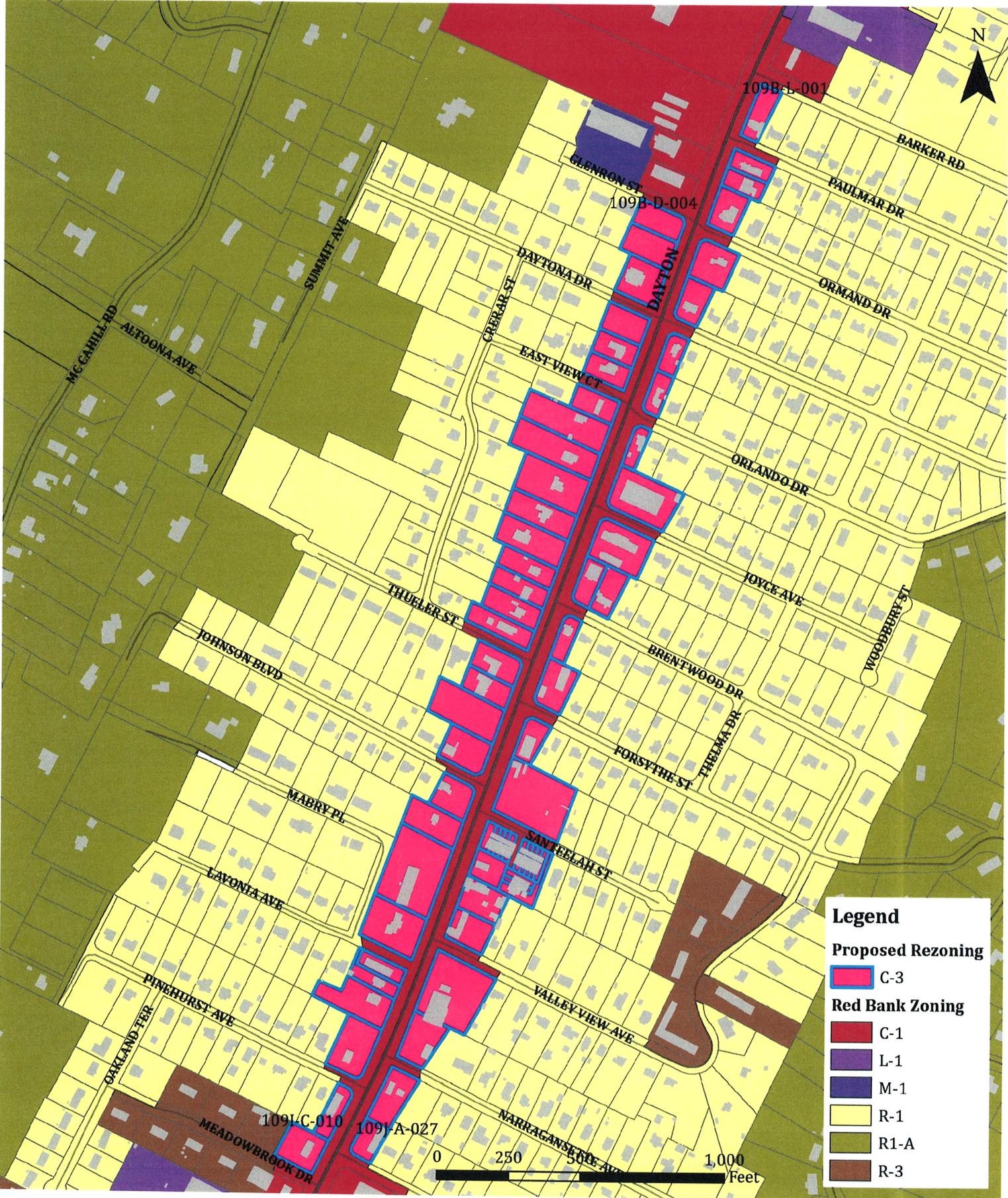
46452	100 BRENTWOOD DR	109G F 001	LOT 28 HILLSDALE NO 2 PB 14 PG 70	RAMSEY ANNELISA 11546	0612	HILLSDALE NO 2	14	70	28	0.215	111
46554	4421 DAYTON BLVD	109H C 012	LT 4 GLASSCOCK COTTAGES PB 18 PG 38 REV 112-68	GLASSCOCK DEVELOPMENTS INC 11132	0918	THUELER	18	38		0.255	111
46555	1 JOHNSON BLVD	109H C 013	LT 1A J W JOHNSON GARDENS PB 14 PG 139 REV 109-21	TANNER BRIAN 11131	0927	JOHNSON J W GARDENS	14	139	PT 1	0.204	111
46583	88 LAVONIA AVE	109H F 012	LT PT OF C CRESTVIEW PB 11 & 17 PG 26 & 19	WILSON ANDREW J & RACHEL J 10576	0918	CRESTVIEW	11	26	PT C	0.226	111
46584	4311 DAYTON BLVD	109H F 013	LOT 1&2 PT 3 CRESTVIEW PB 11 PG 26	WILKEY THOMAS B & JANIS A 3904	0361	CRESTVIEW	11	26	1 & 2	0.601	111
46585	101 PINEHURST AVE	109H F 014	LTS 32&33 PINEHURST PB 9 PG 19	THOMAS PAUL H & TAMRA 9950	0939	PINEHURST	9	19	32&33	0.583	111
101490	4417 DAYTON BLVD	109H C 012.02	LT 2 GLASSCOCK COTTAGES PB 112 PG 68 OUT OF 109H C 012 FOR 2018	GLASSCOCK DEVELOPMENTS INC 11132	0918	THUELER	18	38		0.246	111
111026	4411 DAYTON BLVD	109H D 014	LOT PT 15 J W JOHNSON GARDENS PB 14 PG 139	BUTTRAM ROBERT ANDREW & 5059	0561	JOHNSON J W GARDENS	14	130	PT 15	0.365	111
111027	4409 DAYTON BLVD	109H D 015	LOT PT B G H MABRY PB 15 PG 32	PAYNE JOYCELINE T 3058	0989	MABRY G H	15	32	PT B	0.474	111
146827	4419 DAYTON BLVD	109H C 012.01	LT 3 GLASSCOCK COTTAGES PB 112 PG 68 OUT OF 109H C 012 FOR 2018	GLASSCOCK DEVELOPMENTS INC 11132	0918	THUELER	18	38		0.226	111
13499	DAYTON BLVD	109B D 013	PT LT 31 MELVIN A BROWN ESTATE PB 15 PG 122	ROLLINS H RODNEY & DEBORAH L 11121	0384	BROWN MELVIN A ESTAT	15	122	PT 31	0.351	111
13500	4603 DAYTON BLVD	109B D 014	LT 30 MELVIN A BROWN ESTATE PB 15 PG 122	TAYLOR THADDEUS M 10007	0659	BROWN MELVIN A ESTAT	15	122	30	0.297	111

13501	4601 DAYTON BLVD	109B D 015	LT 29 MELVIN A BROWN ESTATE PB 15 PG 122	KING MARIE ELAINE	11094	0533	BROWN MELVIN A ESTAT	15	122	29	0.295	111
13510	1 E DAYTONA DR	109B N 017	LT 1 BLK 1 DAYTONA HILLS REV PB 14 PG 38	CLOPTON CASEY	11122	0295	DAYTONA HILLS	14	38	1&PT 2	0.322	111
13511	2 E DAYTONA DR	109B P 001	LOT 1 BLK 4 DAYTONA HILLS REV PB 14 PG 38	PAINTER JASON RAY & COURTNEY P	9543	0233	DAYTONA HILLS	14	38	1	0.223	111
45926	4 ORMAND DR	109B N 001	LOT 1 & 2 PT 3 BLK A WILBANKS PB 14 PG 123	GARRISS BRIANNA M	10753	0451	WILBANKS	14	123	1&2	0.437	111
110992	1 ORLANDO DR	109B P 019	LOT 12 & PT OF 11 BLK 4 DAYTONA HILLS REV PB 14 PG 38	BUTTRAM JAMIE	10305	0713	DAYTONA HILLS	14	38	12 &	0.220	111
111202	1 ORMAND DR	109B M 020	LOT 22 & PT OF 21 BLK B WILBANKS PB 14 PG 149	BEST RACHEL M	11429	0762	WILBANKS	14	149	22 &	0.347	111
23573	100 PINEHURST AVE	109I C 009	1830C 44 13 LOT 1 PINEHURST PB 9 PG 19	RUFENER BRIAN WAYNE	7213	0864	PINEHURST	9	19	1	0.269	114
46474	74 SANTEELAH ST	109G G 029	LT 1 SANTEELAH TOWNHOMES 39-215	GLASSCOCK J BRYAN & DEBBIE B	3108	0286	SANTEELAH TOWNHOME S	39	215	1	0.079	116
46475	76 SANTEELAH ST	109G G 029.01	LT 2 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-29 FOR 1985	GLASSCOCK BARRY K & AUDREY B	10971	0079	SANTEELAH TOWNHOME S	39	215	2	0.043	116
46476	78 SANTEELAH ST	109G G 029.02	LT 3 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-29 FOR 1985	SCOTT CHARLENE	7551	0412	SANTEELAH TOWNHOME S	39	215	3	0.040	116
46477	80 SANTEELAH ST	109G G 029.03	LT 4 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-29 FOR 1985	GLASSCOCK DEVELOPMENT INC	3025	0564	SANTEELAH TOWNHOME S	39	215	4	0.040	116

46478	98 SANTEELAH ST	109G G 030.04	LT 13 SANTEELAH TOWNHOMES 030.01 OUT OF 109G-G-30 FOR 1985 X	WELCH MATTHEW TRAVIS	11091	0256	SANTEELAH TOWNHOME S	39	215	13	0.186	116
46479	88 SANTEELAH ST	109G G 031	LT 8 SANTEELAH TOWNHOMES 39-215	CASTLEBERRY JOE D	10178	0432	SANTEELAH TOWNHOME S	39	215	8	0.048	116
46480	90 SANTEELAH ST	109G G 031.01	LT 9 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-31 FOR 1985	ODOM JOHN H & CONSTANCE B	6282	0323	SANTEELAH TOWNHOME S	39	215	9	0.046	116
46481	92 SANTEELAH ST	109G G 031.02	LT 10 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-31 FOR 1985	BOYLE JOHN R TR	5522	0543	SANTEELAH TOWNHOME S	39	215	10	0.053	116
109913	82 SANTEELAH ST	109G G 029.04	LT 5 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-29 FOR 1985	MOORE-JONES ELIZABETH A	10158	0838	SANTEELAH TOWNHOME S	39	215	5	0.055	116
109914	84 SANTEELAH ST	109G G 030	LT 6 SANTEELAH TOWNHOMES 39-215	ALSOBROOK JEREMY & LINDSAY	10706	0548	SANTEELAH TOWNHOME S	39	215	6	0.062	116
109915	86 SANTEELAH ST	109G G 030.01	LT 7 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-30 FOR 1985	DOWNER DIXIE E	3176	0872	SANTEELAH TOWNHOME S	39	215	7	0.050	116
109916	94 SANTEELAH ST	109G G 030.02	LT 11 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-30 FOR 1985	WILLIE ROBERT JOHN & ROBBIN M	3873	0873	SANTEELAH TOWNHOME S	39	215	11	0.070	116
109917	96 SANTEELAH ST	109G G 030.03	LT 12 SANTEELAH TOWNHOMES 39-215 OUT OF 109G-G-30 FOR 1985	CLAYTON JOAN	9567	0743	SANTEELAH TOWNHOME S	39	215	12	0.053	116
13674	4521 DAYTON BLVD	109G A 012	LOT PT 1 YARBROUGH EASTVIEW REVISED PB 765 PG 573	BODINE FRANK LYNN JR	10808	0005	YARBROUGH EASTVIEW	765	573	PT1	0.311	910

142548	4415 DAYTON BLVD	109H C 013.01	LT 1B J W JOHNSON GARDENS PB 109 PG 21 OUT OF 109H-C-013 FOR 2017	GLASSCOCK DEVELOPMENTS INC	11247	0508	JOHNSON J W GARDENS	14	139	PT 1	0.238	910
110475	DAYTON BLVD	109B D 004	LOT 2 JAMES B JONES PB 12 PG 46 1830C 19 04	BLOCKLEY THOMAS E & KAREN A	4195	0525	JONES JAMES B	12	46	2	0.351	910
110476	DAYTON BLVD	109B D 005	LOT 1 JAMES B JONES PB 12 PG 46 1830C 19 05	BLOCKLEY THOMAS E & KAREN A	3877	0937	JONES JAMES B	12	46	1	0.411	910
46411	4511 DAYTON BLVD	109G A 016	WM CRERAR SUB PB 14 PG 134	REYNOLDS DONALD R &	1942	0696	CRERAR WM	14	134		0.501	112
13504	1 PAULMAR DR	109B L 001	LOT PT 1 BLK C WILBANKS PB 14 PG 149 RES USED AS DUPLEX	WILSON JAMES R	2535	0398	WILBANKS	14	149	PT 1	0.311	112
91417	4614 DAYTON BLVD	109B M 001.01	LT 1 BLK B WILBANKS SUB PB66 PG49	RIDLEY LUCAS H	11056	0889		66	49	1	0.229	112
111146	2 PAULMAR DR	109B M 001	LT 2 BLK B WILBANKS PB14 PG149 REV 66-49	MILLIGAN-REYNOLDS GUAR TITLE AGY	6215	0340	WILBANKS	14	149	1 & 2	0.234	112
13682	100 JOYCE AVE	109G E 001	LOTS 1 & 2 AUSTIN & ROGERS PB 16 PG 21 COLONIAL MANOR 6 UNITS	SPAULDING R SCOTT	7787	0470	AUSTIN & ROGERS	16	21	1&2	0.642	113
46622	4301 DAYTON BLVD	109I C 010	LT 1 WHISPERING PINES PB17 PG94	DODSON JACK K JR & TERESA A	5551	0422	WHISPERING PINES	17	94	1	0.432	113
110548	101 JOYCE AVE	109G B 016	LOT 27-29 PT 26 AUSTIN & ROGERS PB 16 PG 21 DAYTON MANOR APTS 16 UNITS	NOLL ERNEST C JR	10744	0234	AUSTIN & ROGERS	16	21	27-29&	0.781	117

Exhibit B: Map of Zoning Map Amendment from C-1 to C-3 for properties fronting Dayton Blvd, from W Meadowbrook Dr (109I-C-010) to Glenron St (109B-D-004) and from E Meadowbrook Dr (109J-A-027) to Barker Rd (109B-L-001)



ORDINANCE NO. 19-1150

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FY 2018 OPERATING BUDGET TO APPROPRIATE DONATION FUNDING FROM THE RED BANK AND SODDY DAISY CHARITABLE FOUNDATION IN THE AMOUNT OF \$23,200.00 AND TO ACCEPT CONDITIONS OF THE GRANT

WHEREAS, the City of Red Bank received a donation of \$23,200.00 from the Red Bank Soddy Daisy Foundation to be used towards the purchase of Christmas / Holiday decorations for the City; and

WHEREAS, as a condition of the grant the Red Bank and Soddy Daisy Foundation has stipulated the following requirements on the use of the donation funds:

- (a) The funds are to be used for the sole and exclusive purpose of partially funding the purchase of Christmas / Holiday decorations
- (b) City agrees to keep the funds segregated in a separate interest bearing account established solely for the stated purposes
- (c) City agrees to affirm to the Foundation, not less frequently than annually, that the funds continue to be held or are being expended or have been expended for the stated purpose and for no other

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

SECTION 1: That the City accepts the above mentioned conditions set forth by The Red Bank and Soddy Daisy Charitable Foundation.

SECTION 2: That the Fiscal Year 2019 Operating Budget be and is hereby amended to include the donation funding as provided:

REVENUES

Donated Revenue	<u>\$23,200.00</u>
TOTAL REVENUES	<u>\$23,200.00</u>

EXPENDITURES

Public Works - Supplies	<u>\$23,200.00</u>
TOTAL EXPENDITURES	<u>\$23,200.00</u>

SECTION 3: This Ordinance shall take effect upon the date of its passage upon second and final reading the welfare of the citizens of the City of Red Bank requiring it.

Mayor

City Recorder

Passed on First Reading

Passed on Second and Final Reading

Approved as to Form:

City Attorney

RESOLUTION NO. 19-1284

A RESOLUTION AUTHORIZING PRATT FAMILY PARTNERS, 1734 DAYTON BOULEVARD, TO USE TEMPORARILY THE RIGHT-OF-WAY LOCATED ALONG 1738 DAYTON BOULEVARD FOR THE PURPOSE OF EXTENSION OF A RETAINING WALL AND CONSTRUCTING A DUMPSTER ENCLOSURE WITH ROLL-OUT DUMPSTER FOR PERMITTE'S USE BY MULTIPLE AREA BUSINESSES, AS SHOWN ON THE MAPS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RED BANK, TENNESSEE, That PRATT FAMILY PARTNERS, 1734 Dayton Boulevard (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily the right-of-way located at 1738 Dayton Boulevard for the purpose of extending a retaining wall and constructing a dumpster enclosure with roll-out dumpster for use by Temporary Use, as shown on the maps attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, that said temporary usage shall be subject to the following conditions:

1. The Temporary User Application, previously executed by Applicant, copy attached, is adopted and incorporated herein by reference, and becomes a part of this Resolution and PERMIT, provided that any obligation to Indemnify and hold the City of Red Bank, its officers, agents and employees harmless for any claims for damages for injuries to persons or property shall be void if the Temporary Use is not granted to applicant by the City Commission. Temporary User affirms its obligation to comply with all terms and conditions of the Indemnification Agreement in the event a temporary use is granted by the City Commission.

2. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so but in any event not greater than thirty (30) days after notice.

3. Temporary User shall provide at all time(s) and from time to time, adequate access for maintenance of any utilities and or drainage or other easements located within the approved temporary use area.

4. The retaining wall and dumpster enclosure and all usage thereof dumpster shall comply with all applicable City Codes.

5. Temporary User shall obtain any and all necessary permits and approvals from the City of Red Bank and shall at all times abide by all City Ordinances, all governmental regulations and state laws with respect to extension of the current retaining wall and the dumpster and its usage.

6. Temporary User shall provide adequate access for maintenance of any utilities located within the easement, is responsible for verifying all utility locations within the subject area prior to initiating the agreed usage, as well as the protection of said utilities for the duration of this permit.

7. This RESOLUTION, upon adoption by the City Commission and acceptance by the Applicant and upon execution of the Temporary User's Agreement shall be/become the PERMIT from thereon.

ADOPTED: _____
Upon majority vote by the City Commission

CITY OF RED BANK

MAYOR

ATTEST:

CITY RECORDER

ACCEPTED and AGREED BY:

APPLICANT:

Pratt Family Partners

BY: _____
(date)

TITLE: _____

