

City of Red Bank
Municipal Planning Commission

REGULAR MEETING AGENDA
October 15, 2020
6:00pm
Red Bank City Hall

I. CALL TO ORDER

II. ROLL CALL – Secretary – Billy Cannon

- | | |
|---|---|
| <input type="checkbox"/> Commissioner Cannon | <input type="checkbox"/> Commissioner Millard |
| <input type="checkbox"/> Commissioner Hafley | <input type="checkbox"/> Commissioner Smith |
| <input type="checkbox"/> Commissioner Browder | |

III. Invocation – Commissioner Smith

IV. Pledge of Allegiance – Commissioner Hafley

V. CONSIDERATION OF THE MINUTES

1. September 17, 2020

VI. NEW BUSINESS

1. Request to Rezone 3348 Easton Avenue (118H F 027) from R-1 Residential to R-2 Residential

VII. UNFINISHED BUSINESS

1. Ordinance to Limit the Size and Location of Blood Plasma Collection Centers
2. Subdivision Regulation Revisions
3. Zoning Ordinance Revisions

VIII. OTHER BUSINESS

IV. ADJOURNMENT



MUNICIPAL PLANNING COMMISSION

Ruth Jenó
Mayor

Tim Thornbury
City Manager

MINUTES
September 17, 2020
6:00 p.m.
Red Bank City Hall

I. CALL TO ORDER

Commissioner Hafley the meeting to order at 6:02 PM.

II. ROLL CALL

Commissioner Browder called the roll. Commissioners Browder, Hafley, Millard, and Smith were in attendance. The Commission's planning advisor from the Southeast Tennessee Development District was also present.

III. INVOCATION

Commissioner Smith gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Commissioner Hafley led the Pledge of Allegiance.

V. CONSIDERATION OF THE MINUTES

A. August 20, 2020 Meeting Minutes

Commissioner Hafley asked for any corrections to the minutes. Having none, Commissioner Browder motioned to approve the minutes as written. Commissioner Millard seconded the motion. The motion passed unanimously.

VI. NEW BUSINESS

- 1. Variance Request for 22-foot access strip for a proposed lot at 2409 Briggs Avenue**
Staff stated that this request would allow a flag lot at the rear of the property where an existing home had burned down. The flag stem needed to be only 22 feet wide in order to allow for 60-feet of frontage for the front lot. Staff stated that the existing driveway is actually on the other side of the lot.

The applicant stated that he wanted to build a new home and this would allow him to build a new one rather than just repair the existing home. He stated that he had not yet decided if it would be a rental property or if he would live in the residence.

Commissioner Browder asked if a new driveway would need to be constructed for the rear home. Staff stated that there is nothing in the Zoning Ordinance requiring this, but suggested that an attorney or real estate agent be consulted.

Commissioner Browder motioned to approve a variance allowing a 22-foot wide access strip. Commissioner Millard seconded the motion. The motion passed unanimously.

VII. UNFINISHED BUSINESS

1. Subdivision Regulation Revisions

Staff stated that the latest version of the revisions includes allowing access to three lots by easement, with a minimum width of 22 feet. The Regulations also do away with the maximum length of access strip.

Commissioner Hafley went over each of the revisions in the first half of the document and suggested several additional minor changes. He requested that Commissioners review the remainder of the document for the next meeting.

2. Zoning Ordinance Revisions

Staff stated that an ordinance limiting the location and size of blood plasma collection centers could be reviewed separately from the other Zoning Ordinance revisions. Staff stated that the current version limits the location to the C-1 district. Commissioner Browder asked if they could limit it further. The Commissioners agreed that they would like to limit it to a portion of Morrison Springs Drive.

VIII. OTHER BUSINESS

No other business was presented. Commissioner Smith motioned to adjourn. Commissioner Millard seconded the motion. The meeting was adjourned at 7:25 PM.

Chairman



MUNICIPAL PLANNING COMMISSION

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Chairman



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: October 9, 2020

Subject: Request to Rezone 3348 Easton Avenue (118H F 027) from R-1 Residential to R-2 Residential

SUMMARY

Property Address: 3348 Easton Avenue

Tax ID: 118H F 027

Property Owner: Whitetail Real Estate Investments LLC

Applicant: Jared Morrow

Present Zoning: R-1

Requested Zoning: R-2

Background: A duplex was built on this property in 1968. The property was subsequently zoned R-1. The duplex was disconnected more than eight years ago and is no longer considered a legal non-conforming use. The applicant has requested rezoning to R-2 in order to use the existing structure.

Recommendation: Approval

ANALYSIS

Zoning Ordinance

Because this duplex has not been in use over the past eight (8) years, it is no longer considered a legal non-conforming use (Section 14-205.02). The property cannot revert back to this use without action by the Planning Commission. The requested R-2 zone allows duplexes by right. The R-1 zone allows duplexes in certain instances by Special Exceptions Permit. Not having been rezoned as part of the 2014 zoning study, does not meet the requirements of a Special Exceptions Permit as outlined in Section 301.06.

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

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

- (A) Intent: The City of Red Bank has rezoned property in several neighborhoods from the R-2 and R-3 Residential Zones to the R-1 and R-1A Residential Zones. This Special Exceptions Permit would allow structures that were constructed as two-family or multi-family dwellings to be able to continue such use after the loss of legal non-conforming status. The purpose of this Permit is to provide relief, if deemed appropriate, to property owners of certain two-family and multi-family dwellings, which under R-1 zoning could only be used as single-family residences. It is not the intent of this Permit to encourage multiple requests in any area, but to consider each individual request on its own merit.
- (B) Applies to:
- 1) One structure for each Special Exceptions Permit, not multiple structures.
 - 2) Structures constructed with a building permit and/or constructed on a Lot of Record.
 - 3) Dwellings that lost non-conforming status due to a rezoning to R-1 or R-1A through a rezoning study process by the City of Red Bank.
- (C) Does NOT apply to:
- 1) New construction
 - 2) Multiple structures on one lot
- (D) A Special Exceptions Permit may be granted by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission if it is determined that:
- 1) The request is consistent with the adopted plans for the area.
 - 2) The request is consistent with the zoning study that rezoned the subject property from R-2 or R-3 to R-1 or R-1A.
 - 3) Issuance of the permit will not be detrimental to surrounding properties and could benefit the neighborhood by encouraging an increase in investment in the property.
- (E) Special conditions: The Red Bank City Commission upon recommendation by the Red Bank Planning Commission may issue A Special Exceptions Permit with special conditions to be met by the applicant if deemed necessary and appropriate by the Board. The Board may also allow exceptions in minimum lot area requirements and off-street parking requirements if appropriate.

Surrounding Land Use

The lots along Easton Avenue abutting this property appear to have single family homes. To the rear of the property are two large wooded lots, one of which houses a single-family home (though it is zoned R-2). There are several duplexes along Easton Avenue, with R-2 Zoning 10 lots to the west of this property. Across Easton Avenue is the railroad tracks with a wooded buffer.

The requested zoning appears to be compatible with the surrounding use, which includes a mix of both single- and two-family dwellings. The railroad and wooded buffer offer a buffer between the property and any future single-family-only developments. Most of the wooded area to the rear of the property are zoned R-2.

Land Use Plan

Goal B of the Land Use Plan addresses the property rights of duplexes located in the R-1 Zone. While this property was not rezoned through this land use study, the sentiment still applies to an existing duplex.

B-GOAL: Protect rights of property owners whose properties have been downzoned from R-2 and R-3 to R-1 or R-1A.

ACTION: All downzoned properties become legal non-conforming uses. A new section added to the R-1 and R-1A Zones provides for a Special Exceptions Permit process to allow property owners to request reinstatement of their legal non-conforming status if that status is ever lost for any reason.

However, the rezoning of the property might be considered to be in conflict with Goals A and D.

A-GOAL: Stabilize residential community and increase property values by stopping the continued proliferation and reverse the negative impact of spot zones for inappropriately located duplexes and multi-family dwellings.

ACTION: Adopt new zoning regulations that enhance control over such uses and assure a public hearing process for all such development proposals.

ACTION: Adopt new zoning for entire City of Red Bank that downzones all inappropriate spot R-2 and R-3 zones to R-1 or R-1A.

D-GOAL: Increase value of and protect single-family residential development.

ACTION: New R-1A Zone that has a 2,000 square foot minimum house size requirement and rezone certain appropriate areas to R-1A as part of Zoning Study. Minimum 1,200 sqft house size for R-1.

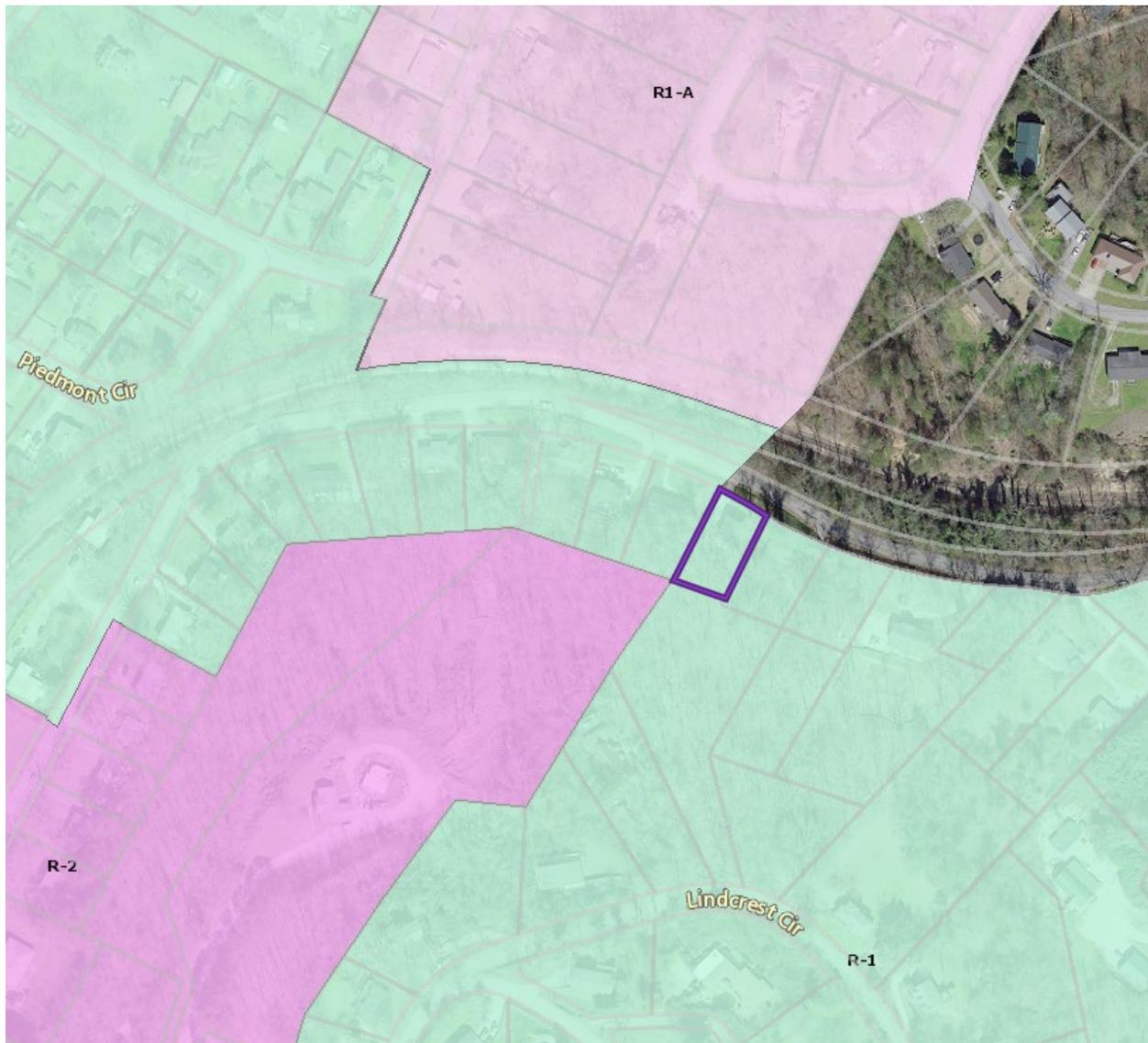
ACTION: New screening and landscaping regulations that is required of all multi-family, commercial, office and industrial development under certain conditions.

ACTION: More stringent zoning regulations for apartment development.

Recommendation

Goal A of the Land Use Plan recommends against spot-zoning and inappropriately located duplexes. However, staff finds that this would not be considered spot zoning due to the nearby R-2 zone. There are several other duplexes on this street, and the use appears to be compatible with the existing land use pattern. **Staff recommends approval.**

Zoning Map



Aerial Imagery, 2020



Zoning Board

Application for Zoning Amendments or Changes of Zone Use

City of Red Bank, Tennessee

General

The proposed change or amendment must first be referred to the Red Bank Planning Commission for a recommendation. The Board shall give at least fifteen (15) days notice of the time and place for a public hearing, which shall be held in regard to the proposed changes or amendments. The notice shall be published in a newspaper of general circulation in the city. Certified notices shall be mailed to all property owners within 200 feet for the property under consideration for a change or amendment. The cost of the application and advertising is \$100.

1. Name of Applicant: Jared Morrow
2. Street Address: 1255 HUDLOW LOOP RD
3. City: DUNLAP State: TN Zip: 37327
4. Telephone Number: 331-229-6811
5. Property Address: 3348 EASTON AVE.
6. Are you the owner of the property: Yes No
7. Please attach a drawing of the property boundaries. Show all easements, utility locations, and buildings. Describe any physical characteristics of the property such as wetlands, steep grades, ravines, Etc.
8. What is the present zoning classification for the subject property? R-1
9. What is the requested zone desired or proposed use of the property? R-2
10. Are you requesting special conditional use of the property? NO
11. Is the proposed use compatible with that of surrounding properties? YES (WAS R-2 FOR 52 YRS.)

I certify that the above information is true and accurate to the best of my knowledge and belief: Jared Morrow Date: 9/25/2020

Amount Paid: \$100 Date Paid: 9/25/2020

By signing this application I understand that the application fee is non-refundable.

Recommendation of the Planning Commission: _____

Date Reviewed by the Planning Commission: _____

Action of the Zoning Board: _____

Date Reviewed by the Zoning Board: _____

List of any special conditions that may apply to the Zoning: _____

Approved by Ordinance Number: _____ Date: _____

RN: 16676



September 30, 2020

Re: City of Red Bank Municipal Planning Commission – Notice of Property Rezoning Request – 3348 Easton Avenue from R-1 Residential to R-2 Residential

Dear property owner, resident or interested party:

The City of Red Bank Municipal Planning Commission will hold a public hearing to consider a request to rezone the following property from R-1 Residential to R-2 Residential Zone. The intent of the applicant is to construct a duplex on this property.

- 3348 Easton Ave., 118H F 027, Owner: Whitetail Real Estate Investments LLC, Applicant: Jared Morrow

The Planning Commission will discuss the rezoning request at the next work session, and make a recommendation to the City Commission at the regular meeting after the public hearing.

Planning Commission Work Session

- Tuesday, October 13th 12:00 pm
- Red Bank City Hall (3105 Dayton Blvd)

Planning Commission Regular Meeting (Public Hearing)

- Thursday, October 15th at 6:00 pm
- Red Bank City Hall (3105 Dayton Blvd)

The Planning Commission meetings are open to the public. You are receiving this letter because you are an adjacent or nearby property owner, or have expressed interest in the rezoning. You are encouraged to attend the public hearing. You may also attend the work session to learn more about the proposed rezoning. The City requests that owners applying for the rezoning attend the both meetings in person.

Please contact me if I can provide additional information or answer any questions.

Sincerely,

Ashley Gates
Regional Planner
Southeast Tennessee Development District
agates@sedev.org

Hamilton County, Tennessee

Unofficial Property Card

Location 3348 EASTON AVE	Property Account Number 45580	Parcel ID 118H_F_027
Property Type 32	Land Use 112	District RED BANK

Current Property Mailing Address

Owner WHITETAIL REAL ESTATE INVESTMENTS LLC	City YORKVILLE
Address 6257 WHITETAIL RIDGE CT	State IL
	Zip 60560

Current Property Sales Information

Sale Date 6/2/2020	Legal Reference 12022-0091
Sale Price \$80,000	Grantor(Seller) KOMPINSKI RUSSELL

Current Property Assessment

Building Value	\$77,200
Xtra Features Value	\$0
Land Value	\$20,300
Total Value	\$97,500
Assessed Value	\$39,000

Narrative Description

This property is classified as **MULTI-FAMILY** with a(n) **DUPLEX** style structure on this card, built about **1968** with **1,984** square feet.

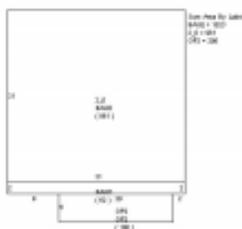
Land Description

The total land area of this property is (81.152IRR).

Legal Description

REV LUPTON HILLS ADDN OFF LUPTON DR `

Property Images



MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: October 9, 2020

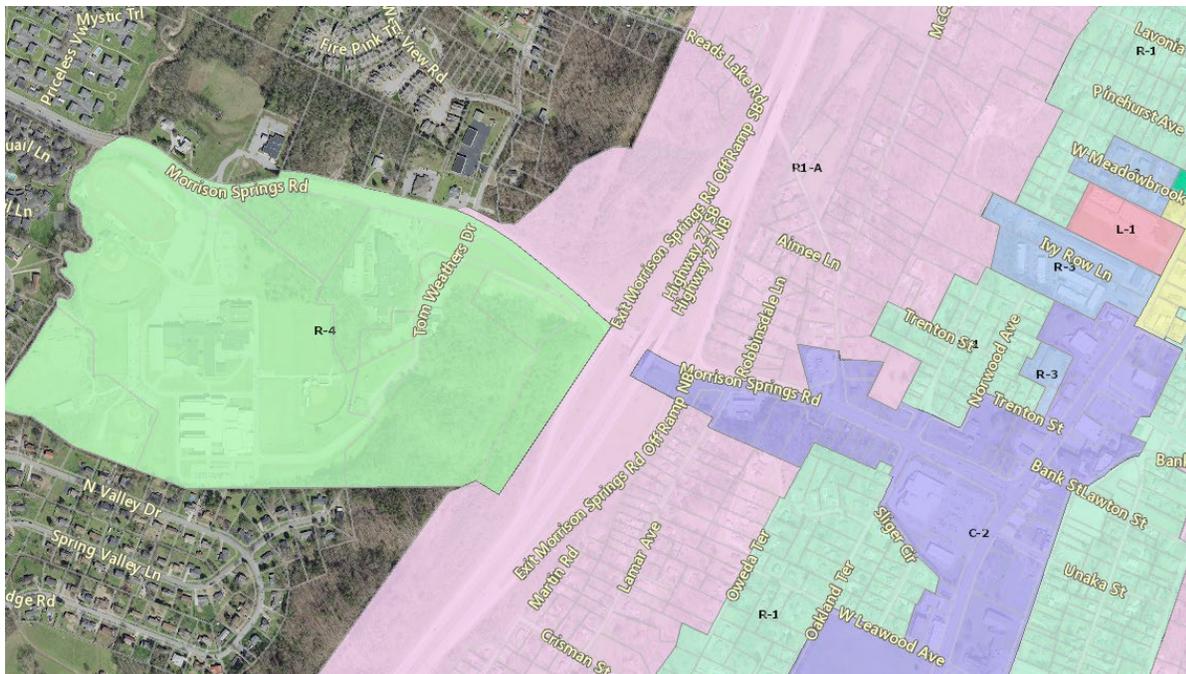
Subject: Blood Plasma Collection Center Ordinance

BACKGROUND

The Board of Commissioners has issued a moratorium on the development of blood plasma collection centers and requested that the Planning Commission provide a recommendation for appropriate locations for these businesses.

ANALYSIS

The Planning Commission has recommended that blood plasma collection centers be located at along Morrison Springs Road. This area is zoned R-4 (Special Zone) and C-2. A significant number of healthcare-related businesses are located along this thoroughfare.



RECOMMENDATION

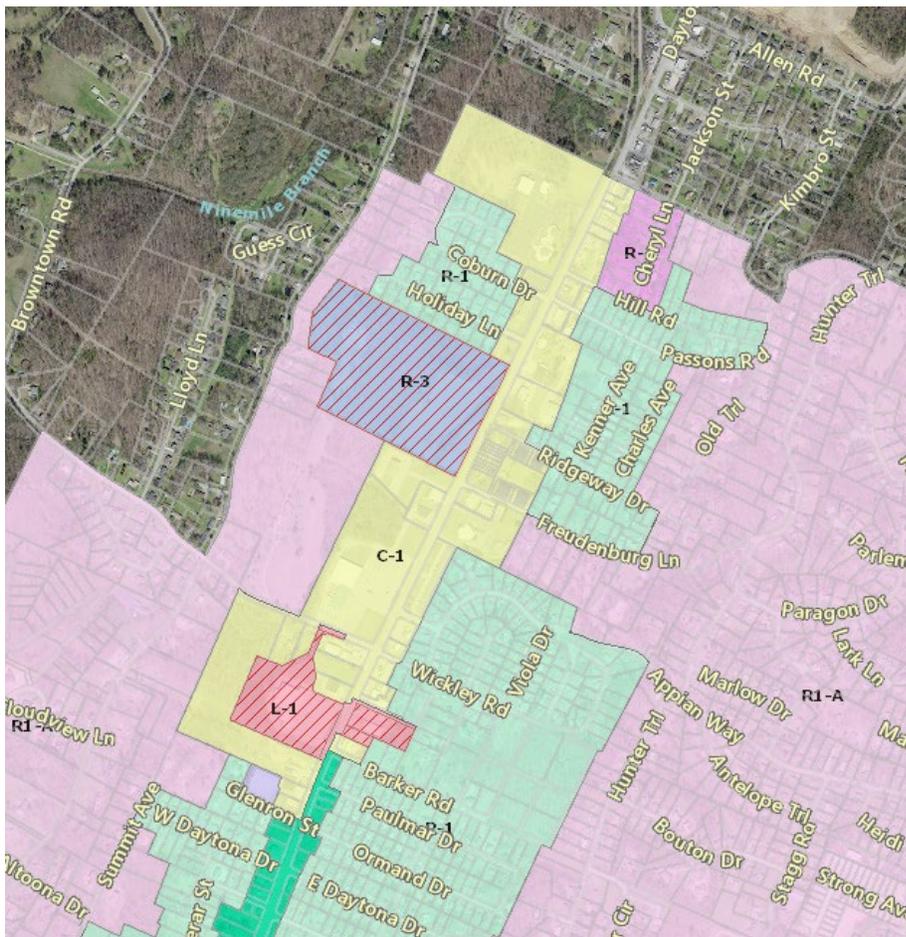
Staff recommends allowing blood plasma collections centers in the following locations:

1. C-2 and R-4 zoned property with frontage on Morrison Springs Drive, except those properties that also border Dayton Boulevard

With the following conditions:

1. Limited to 5,000 square feet
2. No closer than 1,000 feet to the nearest blood collection center
3. Planted Type C buffer between the building and any abutting residential properties

If this area is considered too limiting, staff suggests considering allowing blood collection centers in the C-1 zone at the northern end of Red Bank.



Plasma Center Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND
ORDINANCE NO. 15-1020, THE ZONING ORDINANCE OF THE CITY OF RED
BANK, TENNESSEE, CODIFIED AT RED BANK CITY CODE TITLE 14, CHAPTERS
2 AND 4 THEREOF IN ORDER TO PROMULGATE AND CLARIFY CERTAIN RULES
AND REGULATIONS GOVERNING BLOOD PLASMA COLLECTION CENTERS**

WHEREAS, the Red Bank Planning Commission and the Red Bank City Commission and its professional planning agency, i.e. the Southeast Tennessee Development District, have reviewed and studied plasma collection centers their current and potential impact(s) on the City of Red Bank; and

WHEREAS, the City Commission, the Planning Commission, and as aided by the Southeast Tennessee Development District, wishes to promote economic revitalization through diversification of land uses in certain areas and by the reasonable and orderly regulation of plasma collection centers; and

WHEREAS, it is the determination of the Red Bank City Commission that “Plasma Collection Centers” should be subject to distance separation requirements and limited in size in allowed zones, and that the same should be prohibited in certain other zones.

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

SECTION 1. That Title 14 of the Red Bank City Code, Section 14-202, Definitions, shall be amended by adding an additional subsection defining “plasma collection center” as follows:

Plasma Collection Center: Any business or operation that has its primary function to be the acceptance of donations of human plasma. Plasma collection centers shall not exceed 5,000 square feet in size.

SECTION 2. That Title 14 of the Red Bank City Code, Section 14-202, Definitions, shall be amended by adding two additional sentences to the definition of “Clinic”, as underlined below:

Clinic: Medical services for outpatients only. Clinics include whole blood donation centers where donors do not receive monetary compensation for their time or donation. Clinics do not include plasma collection centers.

SECTION 3. That Title 14 of the Red Bank City Code, Section 14-306(A) R-4 Special Zone, under the category of Permitted Uses, subsection (H) shall be amended to include the following as underlined:

(H) Professional, medical or dental office, and clinics, excluding plasma collection centers, which are not permitted.

SECTION 4. That Title 14 of the Red Bank City Code, Section 14-306(A) R-4 Special Zone, under the category of Permitted Uses shall be amended to include additional subsection:

(DD) “Plasma Collection Centers subject to a Special Exceptions Permit, and required to meet the conditions:

- (1) The gross square footage shall be no larger than 5,000 square feet.
- (2) The property must have frontage along Morrison Springs Road
- (3) The property shall not have frontage along Dayton Boulevard
- (4) The property shall not be located within 1,000 feet of nearest blood collection center
- (5) A Planted Type C buffer must be installed between the structure and any abutting residential properties

SECTION 5. That Title 14 of the Red Bank City Code, Section 14-401.01 (O-1 Office Zone), under the category of Permitted Uses, subsection (E) shall be amended to include the following as underlined:

(E) Professional, medical or dental office, and clinics, excluding plasma collection centers, which are not permitted.

SECTION 6. That Title 14 of the Red Bank City Code, Section 14-404.01 (C-1 Commercial Zone), under the category of Permitted Uses, subsection (Q) shall be amended to include the following as underlined:

(Q) Professional, medical or dental office, and clinics, excluding plasma collection centers, which are not permitted.

SECTION 7. That Title 14 of the Red Bank City Code, Section 14-404.01 (C-1 Commercial Zone), under the category of Prohibited Uses, shall be amended to include additional subsection (L) “Plasma Collection Centers.”

SECTION 8. That Title 14 of the Red Bank City Code. Section 14-403.02 (C-2 Commercial Zone), under the category of “Uses Permitted Subject to Issuance of a Special Exceptions Permit” shall be amended to include additional subsection

(O) “Plasma Collection Centers with the following conditions:

- (1) The gross square footage shall be no larger than 5,000 square feet.
- (2) The property must have frontage along Morrison Springs Road
- (3) The property shall not have frontage along Dayton Boulevard
- (4) The property shall not be located within 1,000 feet of nearest blood collection center
- (5) A Planted Type C buffer must be installed between the structure and any abutting residential properties

SECTION 9. That Title 14 of the Red Bank City Code, Section 14-404.03 (C-3 Neighborhood Commercial), under the category of Prohibited Uses, shall be amended to include additional subsection (X) "Plasma Collection Centers."

SECTION 10. 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 11. 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:

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: September 11, 2020

Subject: Subdivision Regulation Revisions

SUMMARY

The Planning Commission has spent several months revising and reviewing the Subdivision Regulations. The major policy changes are outlined below. Several changes have been made throughout the document including:

- Reorganization of the document with the definitions being at the beginning
- New definitions, as discussed in prior meetings
- Removed references to the RPA and Hamilton County Plans
- Updated references to Director of Public Works, Governmental Engineer to City Manager, which includes his or her designee
- Changed all references to “Local Government” to the City of Red Bank
- Added additional appendices including:
 - Flow chart of subdivision process
 - Preliminary and final plat check lists
 - Drawings of the Hammerhead Turnaround options

MAJOR POLICY CHANGES

1. Sidewalks are now required along all new roads

403.14 Sidewalks and Pedestrian Ways

In residential and non-residential subdivisions, sidewalks or pedestrian ways are ~~not~~ required. ~~In the event the developer desires to install sidewalks or pedestrian ways, they~~ Sidewalks or pedestrian ways shall meet the following requirements:

In residential areas, sidewalks or pedestrian ways shall be portland cement concrete, four (4) inches thick and four (4) feet wide.

In commercial areas, sidewalks shall be concrete, six (6) inches thick and six (6) feet wide or wide enough to meet ADA (Americans with Disabilities Act) Standards.-

1. Access may be provided by access easement (i.e., a shared driveway or private drive) for up to three (3) lots in subdivisions that have a total of less than five (5) lots.

404 REQUIRED ACCESS FOR ALL LOTS

All residential lots in the City of Red Bank must have by means of an approved easement that meets the requirements of Section 406 or by frontage on an existing city-accepted and publicly maintained street or road. ~~Lots whose only access is a private road or easement are not permitted.~~

All non-residential lots in the City of Red Bank must have frontage on a city accepted and maintained street except that the Planning Commission may permit, only with the recommendations of approval of the Director of Public Works or City Manager, any non-residential lot to obtain access by means of a private road or private easement.

Access Easements

Minor subdivisions of up to five (5) total lots (including those with road access) may be served by a permanent vehicular access easement. The platting of the sixth (6th) lot will require that all easements to be paved to City standards and dedicated as public right-of-ways. The access easement shall comply with the following requirements:

- (a) Access easements may provide access for up to **three (3) lots**.
- (b) All access easements shall connect to a public road.
- (c) Easements shall be properly maintained to provide year-round access for emergency, public safety and utility vehicles.
- (d) Access easements that are less than 250 feet long shall be a minimum of 25 feet wide.
- (e) Access easements longer than 250 feet shall have shall be a minimum of 50 feet wide.
- (f) The improved area shall have a minimum width of 10 feet and shall be constructed of gravel aggregate or a hard surface.
- (g) Plats for subdivisions served by unimproved easements shall include an easement map showing the extent of the easement from its connection point on a public road to the lots presented on the subdivision plat.
- (h) Subdivisions accessed by an unimproved access easement shall have the following notes added to the plat setting forth the limits of public liability and responsibility to properties and citizens which are served by the shared driveway:
 - The access easement shown on this plat is to be privately constructed and maintained by the owners, not by the City of Red Bank.
 - [The property owners are responsible for providing all required utilities and services along the easement. Hamilton County and the City of Red Bank are not responsible for providing services beyond the limits of the governmentally maintained road or street.

2. Flag Lots (which may contain Access Easements) may be longer than 250 feet

407

FLAG LOTS

- (a) A "Flag Lot" is a lot which is accessed by a strip of land of a width less than the required street frontage and which is located behind another lot which meets the required street frontage.
- (b) Flag lots shall be permitted by the Planning Commission subject to the following conditions:
 - (1) No access strip shall be less than 25 feet in width for its entire length.
 - (2) The access strip shall provide access for only one lot and shall be deeded and platted as a part of the building site. No building or structure shall be located in the access strip.
 - (3) The access strip shall not exceed 250 feet in length. The Planning Commission may approve longer access strips for existing lots of record and approved access easements that need more an access strip longer than 250 feet to have access via public right-of-way. The Planning Commission may require additional width if it is determined that a wider access strip is needed to provide safe ingress and egress to the property.-

3. Septic systems permitted where sewer moratorium is in place.

Where a moratorium on sewer connections impacts a site where an adequately sized sanitary sewer is on the site, or on the street abutting the site, or readily accessible (as determined by the developer's financial feasibility study) without the need for off-site easements, or a construction contract for a sewer to be located on or adjacent to the site has been signed, the developer may be issued a permit to install, at the developer's expense, a subsurface sewage disposal system. The subsurface sewage disposal system must meet the requirements of the Hamilton County Division of Groundwater Protection and subject to approval from the Division of Groundwater Protection. As stated in TCA 38-221-409, service to the subsurface sewage disposal system must be discontinued within 90 days of the moratorium being lifted, and the property must connect to the public sewer system.

4. Preliminary and Final Plats now required to show cluster mailboxes when applicable

(u) Location of cluster mailboxes when applicable

MEMORANDUM

To: Members of the Red Bank Planning Commission

Cc: Tim Thornbury, Public Works Director

From: Ashley Gates, Regional Planner

Date: August 13, 2020

Subject: Zoning Ordinance Revisions

SUMMARY

Chapter II: General Regulations

Allowed for lots of record to be accessed by easement or private drive. Referred to Subdivision Regulations.

Every building hereafter erected, reconstructed, or structurally altered shall be located on a lot fronting on a street as required by the Red Bank Subdivision Regulations. Up to two (2) lots of record, which were duly recorded prior to the adoption of the Subdivision Regulations, may be accessed by an approved private drive or easement.

Section 14.202: Definitions

- Added definition for Auto Wrecking Yards:

202.07 Auto Wrecking Yard: Any place where three (3) or more vehicles not in running condition, or the parts thereof, are stored in the open. This definition is not intended to include such businesses as auto repair garages, service stations, auto wrecker services of similar uses which store vehicles only on a temporary basis and not for salvage purposes. All outdoor storage areas of such uses shall be totally, visually screened on all sides by a site-obscuring fence at least six (6) feet in height. Slatting or a covering for chain link fences may be used subject to approval of slat or cover material by the inspection department. All front-yard areas use for vehicle or parts storage must be set back at least twenty-five (25) feet from any public right-of-way.

- Added the definition for Plasma Collection Center:

202.63 Plasma Collection Center: Any business or operation that has its primary function to be the acceptance of donations of human plasma. Plasma collection centers shall not exceed 5,000 square feet in size.

- Clarified Definition for Short Term Rental Units:

202.86 Short Term Rental Unit defined: "Short term rental unit" or "unit" means a residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in T.C.A. Section 68-14-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in Section T.C.A. Section 68-15-502. Short term rental units are limited to one unit per structure and may not share the same interior or exterior walls as another short term rental unit.

- Deleted definitions for "Guest House" and "Tourist Home"

Section 14.204.07: Access Control

Require approval for residential parking along streets that have a speed limit above 25 MPH.

204.07 Access Control. In order to expedite the movement of traffic; to promote the safety of the motorist and pedestrian; and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. The location and design of all curb-cuts, points of access to and from all streets and parking and loading areas, parking and loading areas except single and two family residences that are accessed via public streets that have a speed limit of 25 miles per hour or less shall be submitted to and approved by the City Manager or his/her designee before building permits can be issued. The following regulations shall apply.

Permitted vehicles to back into right-of-way along streets that have a speed limit of 25MPH or less.

- 3) **Off-Street Parking Lanes Entirely Independent of Public Streets:** No off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way where the speed limit exceeds 25 miles per hour.

Section 204.08 Flag Lots

Longer access strips may be approved by the Planning Commission for lots of record.

- 3) The access strip shall not exceed two hundred fifty (250) feet in length measured from the closet adjacent right-of-way line of the public road or street. The Planning Commission may approve longer access strips for existing lots of record that need more an access strip longer than 250 feet to have access via public right-of-way. The Planning Commission may require additional width if it is determined that a wider access strip is needed to provide safe ingress and egress to the property.

Section 14-206. Board of Appeals for Variances

- Made Special Exceptions part of the powers of the Planning Commission, rather than BZA. Note: Staff recommends review of this change by the City Attorney.
- Fees adjusted to \$150 plus the cost of certified mailings.

206-04206.02 Applications ~~to the Board~~ for Variances or Special Exceptions

Persons desiring consideration ~~for a variance or special exception by the Board~~ shall apply to the City Manager or his/her designee and shall supply such information as the Board ~~or Planning Commission~~ may require to identify the land and determine the reason for the appeal or review. ~~The Planning Commission shall have the power to grant Special Exceptions as outlined in each zone of this ordinance.~~ Each application by a property owner shall be accompanied by a receipt for a \$150 fee ~~as set by the Board of Commissioners, plus the full amount needed to cover the cost of mailing notices, either certified or by regular mail as required by the City Manager,~~ paid to the City of Red Bank to cover the City's cost of handling the application, no part of which fee is returnable. Persons objecting to the relief sought by the applicant or interested in the review or determination made by the Board ~~or Planning Commission~~ may likewise set forth their views and actual evidence in writing and be signed by the objectors. The application and objection shall be submitted to the Board ~~or Planning Commission~~ within the time provided in its rules of procedure.

- 209.03 That a Request to Rezone referred to the Board of Commissioners by the Planning Commission, shall not be heard unless said Request is set for public hearing before the Board of Commissioners within three (3) months of the date when the Planning Commission referred said Request to the Board of Commissioners, and such Request shall not be advertised for a public hearing unless the Petitioner pays to the City Recorder a \$150 filing fee, together with the costs of ~~the advertisement-mailing the required notice.~~
(Ordinance No. 473, April 3, 1984)

Section 304.01: R-2 Residential

Corrected heading, which should say "Prohibited" not "Permitted."

Section 305: R-3 Residential

Limited short-term rental units to one per structure.

- (J) Short Term Residential Rental Units, subject to certification and issuance and maintenance of current short term residential rental permit. ~~Short-term rental units shall be limited to one (1) unit per structure. No units shall share the same interior or exterior walls.~~

Section 306: R-4 Special Zone

- Clarified definition of clinic to exclude plasma centers. Removed laboratories from permitted uses.

- (H) Professional, medical or dental office, and clinics, excluding plasma collection centers, which are not permitted.
- (I) ~~Laboratories and research centers not objectionable because of odor, dust, noise, or vibration~~Reserved.

- Minimum square footage of single-family homes increased.

- (F) Single-family dwellings part of a mixed-use residential development must be a minimum of 2,000 square feet. If not part of a mixed-use residential development, a single-family dwelling shall be at least ~~1,200~~ 1,400 square feet.

Section 307: Planned Unit Developments

Streamlined the application process:

- The rezoning and special exceptions permit/PUD plan may be approved together
- OR, the PUD plan may be drawn to Preliminary Plat standards and meet that requirement of the Subdivision Regulations

- (B) The Planning Commission shall hold a public hearing on the proposed Preliminary PUD Plan. Notice and publication of such public hearing shall conform to the procedures prescribed in Section 14-209 of this Ordinance.
- 1) The Preliminary PUD plan may be drawn to the Preliminary Plat standards as required by the Subdivision Regulations and fulfill the preliminary plat requirements.
- 2) If rezoning is required, the Special Exceptions Permit may be considered at the same hearing as the rezoning request. If the submitted plans are not drawn to the standards of a Preliminary Plat as described in the Red Bank Subdivision Regulations, a separate public hearing for the Preliminary Plat will be required.

- Changed the term “Final PUD Plan” to “Final Plat” because they are the same document

- (E) No building permits shall be issued until after approval of the Final ~~PUD Plan~~Plat by the Planning Commission. The building inspector shall revoke any permit issued in reliance upon said plan as finally approved at such times as it becomes obvious such plan is not being complied with.
- (F) No Preliminary PUD Plan shall be approved by the City Commission unless it is first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Red Bank City Commission.
- (G) Upon approval of the City Commission, the developer shall then complete a Final ~~PUD Plan~~Plat for review by the Planning Commission. The Final Plat must conform to the Preliminary PUD Plan and meet all the standards of the Red Bank Subdivision Regulations. The Preliminary and the Final PUD Plan shall meet the requirements of the Red Bank Subdivision Regulations and be processed and recorded in accordance with those regulations as applicable.

- Allowed extension of special exceptions permit to up to two years (three years total).

- (H) Any Special Exception Permit shall expire twelve months from and after its issuance if the development as planned has not been adhered to, provided, however, that for good cause shown said Special Exceptions Permit may be extended by the City Commission for additional periods not to exceed ~~one~~two years.

Section 309: RZ-1 Zero Lot Line Residential Zone

Adjusted side-yard setbacks to allow for a 10-foot building separation.

- ~~(E) For zero lot line homes, the side yard setback lot must be from zero to a tenth of a foot (1.2 inches) with the opposite side yard being a minimum of (10) feet. The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building), except in the instance of adjacent lots with separated family detached homes on adjacent lots and provided that both side setbacks of any such adjacent detached single family dwellings shall be at least six (6) feet and such detached single family dwellings must be separated by a minimum of at least twelve (12) feet. See Chapter XI, Communications Towers.~~
- ~~(E) For all other single-family detached homes, the side yard setback must be a minimum of five (5) feet with a minimum 10-foot building separation, with the exception of side yards that are on the exterior boundary of an RZ-1 Zero Lot Line Residential Zone (see Part I of this section) or that abuts a public street (see Part D of this section).~~
- ~~(F) The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building).~~

Section 310: R-TZ

Added a minimum lot size (same as the RZ-1)

- ~~(A)~~ Minimum lot size: two thousand six hundred and twenty-five (2625) feet.
- ~~(B)~~ Minimum square footage: 1,400 square feet of heated living space per unit

Adjusted side-yard setbacks to 5 feet for a 10-foot building separation

- 1) ~~Single -family detached units: ten (10) feet~~ five (5)
- 2) ~~Zero Lot Line units: The side yard setback lot must be from zero to a tenth of a foot (1.2 inches) with the opposite side yard being a minimum of (10) feet. The opposite side yard setback of not less than ten (10) feet must be kept perpetually free of permanent obstructions (such as an accessory building). The wall on the zero-foot yard setback must be constructed of maintenance-free, solid, decorative masonry and no portion can project over any property line.~~
~~2) from zero (0) to one and a half (1.5) feet, or a minimum of ten (10) feet from the adjacent property line if buildings are to be separated over one tenth (1/10) of a foot. The eave overhang is the only permitted element of the building structure allowed in the one and a half (1.5) foot setback. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).~~

Section 401: O-1 Office Zone

Deleted laboratories as permitted use

- ~~(F) Laboratories and research centers not objectionable because of odor, dust, noise or vibration~~ Reserved.

Section 402: C-1 Commercial

- Added plasma collection centers to the Special Exceptions uses, limiting their size to 5,000 square feet. Also added laboratories, duplexes, and adult-oriented establishments.

- ~~(M)~~ Adult Oriented Establishments
- ~~(M)~~(N) Plasma collection centers, provided the structure does not exceed 5,000 square feet, and provided no other plasma collection center shall be located within 1,320 feet of the building.
- ~~(M)~~(O) Apartments
- ~~(P)~~ Alternative Financial Services; provided further that no Alternative Financial Services establishment shall be located within 1,320 feet of any other Alternative Financial Services establishment not within fifty (50) feet of any residential zone, with the interval distances to be measured from property line to property line and the burden of establishing such to be on the applicant.
- ~~(Q)~~ Laboratories and research centers, provided they are not objectionable because of odor, dust, noise or vibration.
- ~~(R)~~ Two-family dwellings with a minimum of 1,800 square feet of heated living space

- Updated the setback requirements to follow the Design Review Standards

(B) ~~There shall be a front yard of not less than fifty (50) feet. The front setback shall conform to the requirements of the Design Review Standards, see Chapter X.~~

405: C-3 Neighborhood Residential

Added short-term residential rentals to the list of permitted uses.

(W) Short term residential units, subject to certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code. Short term residential rental units shall be limited to one (1) unit per structure. No units shall share the same interior or exterior walls.

Adjusted the front setback to reflect the Design Review Standards.

- (A) ~~Yards-Front setbacks with a minimum depth shall be a minimum of of twenty-five (25) feet, except in cases where the Design Review Standards shall apply, in which case the required setback of the Design Review Standards shall prevail. See Chapter X. shall be provided along any public street or right of way and along any property line abutting developed residential property or residential zone.~~
- (B) There shall be a minimum 25-foot setback from all property lines abutting a residential property or residentially-zone property.

904: Screening

- D) Screening of Dumpsters: Dumpsters shall be screened in the manner described below ~~when visible from the public right of way:~~
- 1) Screening shall be a minimum height of six (6) feet
 - 2) All four (4) sides of the dumpster shall be screened
 - 3) The screen should incorporate access to the dumpster by using a wood fence ~~or other opaque device to serve as a gate.~~
 - 4) Screening materials can be any combination of evergreen plantings, wood, or masonry material.

Changes throughout document:

Delete reference to guest house/tourist home

- Changed the term 'Yard' to 'Setback'
- All detached single-family residential structures now have a minimum square footage of 1,400 square feet.
- All two-family units require a minimum of 1,800 square feet.
- Specified that short-term rental units are limited to one unit per structure.
- Plasma Collection centers moved to prohibited except in C-1
- Adult-oriented establishments are prohibited except in C-1

