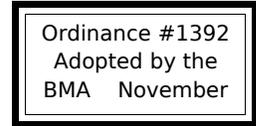


City of Tullahoma

Zoning Ordinance



**Planning & Codes Department
321 N. Collins Street
Tullahoma, TN 37388
931-455-2282**



VG

**AN ORDINANCE
TULLAHOMA
ORDINANCE**

WHEREAS, the Tullahoma Planning Commission has recommended certain changes to the Tullahoma Zoning Ordinance and map; and,

WHEREAS, a public hearing before this body was held on the 12th day of October, 2009, and notice thereof published in the Tullahoma News on the 25th day of September, 2009, at which hearing members of the public were allowed to be present and speak on the issues; and the Board of Mayor and Aldermen held a study session to discuss the merits of revising certain sections of this chapter; and,

WHEREAS, there was no substantial opposition to the amending the zoning ordinance by repealing certain sections of the existing zoning ordinance and enacting a new zoning ordinance and zoning map.

SECTION ONE: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE AS FOLLOWS:

SECTION 1. That the Zoning Ordinance of the City of Tullahoma, Tennessee, which is Appendix "A" to the Code of Ordinances of the City of Tullahoma, Tennessee, originally adopted as Ordinance No. 961, is repealed in its entirety and substituted therefore a new zoning ordinance as shown in Exhibit A.

SECTION 2. That a new Zoning Map is adopted as shown in Exhibit B and is incorporated by reference.

SECTION 3. That all Ordinances in conflict herewith and all provisions in the Code of Ordinances of the City of Tullahoma, in conflict herewith are hereby repealed in their entirety, to the extent of any conflicts.

SECTION 4. That if any section, subsection, paragraph, sentence, item or clause of this Ordinance shall for any reason be declared unconstitutional or invalid, such declaration shall not affect any other portion of this Ordinance, it being the intent that the sections, subsections, paragraphs, sentences, items or clauses of this Ordinance shall be treated as severable.

SECTION 5. That this Ordinance shall take effect and be in full force and effect from and after its passage and from and after its caption being published one time in a newspaper of general circulation in Coffee County, Tennessee, the public welfare requiring it.

CITY OF TULLAHOMA, TENNESSEE

BY

MAYOR TROY L. BISBY

ATTEST:

MS. ROSEMARY WOMACK, CITY RECORDER

PASSED ON FIRST READING:	<u>October 12th, 2009, as amended</u>
PASSED ON SECOND READING:	<u>October 26th, 2009, as amended</u>
PASSED ON THIRD READING:	<u>November 9th, 2009, as amended</u>

Exhibit "A"

ZONING ORDINANCE FOR THE CITY OF TULLAHOMA, TENNESSEE

Prepared for:

Tullahoma Board of Mayor and Aldermen

Troy Bisby, Mayor
Mike Norris, Mayor Pro-Tem
Sandy Lindeman
Jonathon James
James Eads
Mike Stanton
Jerry Mathis

And the

Tullahoma Municipal-Regional Planning Commission

Lance Baxter, Chairman
Dr. Neil L. Loeffler – Vice-Chairman
Charles L. Parish - Secretary
Dr. Lynn Sebourn
Kevin Pearson
Sandy Lindeman, Alderman
Jerry Mathis, Alderman

Prepared by:

M. Dwayne Hicks, CBO, MCP, Director of Planning
Jennifer Amacher, City Planner

November 2009

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ZONING ORDINANCE FOR THE CITY OF TULLAHOMA, TENNESSEE

ARTICLE 1 TITLE, PURPOSE, AND ENACTMENT

SECTION 1

TITLE

ORDINANCE NO. 1392

In pursuance of authority conferred by the Tennessee Code Annotated, Title 13, Chapter 4, Sections 13-4-101 through 13-4-309. Ordinance to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; and for such purposes to divide the municipality into districts or zones of such number, shape and areas as it may determine, and regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the use of land; to prescribe penalty for the violation of its provisions and to provide for its enforcement; to repeal Ordinance No. 961, and all amendments thereto.

SECTION 2

SHORT TITLE

These regulations shall be known and may be cited as "**ZONING ORDINANCE FOR THE CITY OF TULLAHOMA, TENNESSEE.**"

SECTION 3

PURPOSE

WHEREAS, the Board of Mayor and Aldermen of the City of Tullahoma is empowered to regulate the use of land and buildings, the height of buildings, the size of open spaces, surrounding buildings and the density of population;

And,

WHEREAS, the Board of Mayor and Aldermen of the City of Tullahoma deems it necessary to exercise the power so granted in order to encourage the most appropriate use of land; to maintain and stabilize the value of property; to secure safety from fire, flood, panic, and other hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, and other facilities; to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants.

**SECTION 4
ENACTMENT**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND
ALDERMEN OF THE CITY OF TULLAHOMA, TENNESSEE:**

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be used for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space of any other building.

**ARTICLE II
DEFINITIONS**

For the purpose of this ordinance and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the word "plot" or "parcel;" the word "building" includes the word "structure;" and the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

ACCESSORY BUILDING. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

ACCESSORY LIVING QUARTERS. An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate sleeping unit.

ACCESSORY USE. A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

AGRICULTURE. The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping and aquaculture.

ALLEY. Any public way or thoroughfare more than 10 feet, but less than 16 feet, in width, which has been dedicated to the public for public use.

ALTERATION. Any change, addition or modification in construction, occupancy or use.

AMUSEMENT CENTER. An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

APARTMENT HOUSE. A residential building designed or used for three or more dwelling units.

AUTOMOTIVE REPAIR, MAJOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

AUTOMOTIVE REPAIR, MINOR. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY. That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

BASEMENT. Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BOARD. The board of appeals of the City of Tullahoma.

BOARDING HOUSE. A dwelling containing a single dwelling unit and not more than 10 sleeping units, where lodging is provided with or without meals, for compensation for more than one week.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING, MAIN. A building in which the principal use of the site is conducted.

BUILDING, TEMPORARY. A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUILDING CODE. The International Building Code promulgated by the International Code Council, as adopted by the jurisdiction.

BUILDING HEIGHT. The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE. The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

BUSINESS OR FINANCIAL SERVICES. An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

CANOPY. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

COMMERCIAL, HEAVY. An establishment or business that generally uses open sales yards, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers or building contractors.

COMMERCIAL, LIGHT. An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

COMMERCIAL CENTER, COMMUNITY. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and

services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

COMMERCIAL CENTER, CONVENIENCE. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.

COMMERCIAL CENTER, NEIGHBORHOOD. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant.

COMMERCIAL CENTER, REGIONAL. A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety.

COMMERCIAL RETAIL SALES AND SERVICES. Establishments that engage in the sale of general retail goods and accessory services. Businesses within this definition include those that conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in the sale of either general merchandise or convenience goods.

COMPREHENSIVE PLAN. The declaration of purposes, policies and programs for the development of the jurisdiction.

CONDITIONAL USE. A use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM. A single-dwelling unit in a multiunit dwelling or structure, that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE. Any building or portion thereof that contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

DAY CARE, FAMILY. The keeping for part-time care and/or instruction, whether or not for compensation, of six or less children at any one time within a dwelling, not including members of the family residing on the premises.

DAY CARE, GROUP. An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, preschools and adult care facilities are included in this definition.

DENSITY. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

DRIVEWAY. A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DWELLING, MULTIPLE UNIT. A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

DWELLING, SINGLE FAMILY. A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

DWELLING, TWO FAMILY. A building designed or arranged to be occupied by two families living independently, with the structure having only two dwelling units.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

FACE OF BUILDING, PRIMARY. The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

FARM ANIMALS. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep and goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

FLOOR AREA, GROSS. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

FLOOR AREA, NET. The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FRONTAGE. The width of a lot or parcel abutting a public right-of-way measured at the front property line.

GARAGE, PRIVATE. A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GRADE (Adjacent Ground Elevation). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

GROUP CARE FACILITY. A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons.

HABITABLE SPACE (Room). Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

HOME OCCUPATION. The partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL. An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

HOUSEHOLD PETS. Dogs, cats, rabbits, birds, etc., for family use only (noncommercial) with cages, pens, etc.

INDUSTRIAL OR RESEARCH PARK. A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

JURISDICTION. As used in this code, jurisdiction is any political subdivision that adopts this code for administrative regulations within its sphere of authority.

KITCHEN. Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

LANDSCAPING. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

LEGISLATIVE BODY. The political entity of the adopting jurisdiction.

LIVESTOCK. Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.

LOT. A single parcel of land.

MANUFACTURING, HEAVY. All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing.

MANUFACTURING, LIGHT. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

MANUFACTURING, MEDIUM. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.

MORTUARY, FUNERAL HOME. An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment.

MOTEL, HOTEL. Any building containing six or more sleeping units intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

NONCONFORMING LOT. A lot whose width, area or other dimension did not conform to the regulations when this code became effective.

NONCONFORMING SIGN. A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

NONCONFORMING STRUCTURE. A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

NONCONFORMING USE. See “Use, nonconforming.”

OPEN SPACE. Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

PARK. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARKING LOT. An open area, other than a street, used for the parking of automobiles.

PARKING SPACE, AUTOMOBILE. A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

PERSON. A natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLANNED UNIT DEVELOPMENT (PUD). A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

PLOT PLAN. A plot of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

POOLS (SWIMMING), HOT TUBS AND SPAS.

Above-ground/on-ground pool. See “Private swimming pool.”

Barrier. A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Hot tub. See “Private swimming pool.”

In-ground pool. See “Private swimming pool.”

Power safety cover. A pool cover that is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

Private swimming pool. Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

Private swimming pool, indoor. Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

Private swimming pool, outdoor. Any private swimming pool that is not an indoor pool.

Public swimming pool. Any swimming pool other than a private swimming pool.

Spa. See "Private swimming pool."

PUBLIC IMPROVEMENT. Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or for which the local government responsibility is established.

PUBLIC SERVICES. Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

PUBLIC UTILITY STATION. A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUASI-PUBLIC. Essentially a public use, although under private ownership or control.

QUORUM. A majority of the authorized members of a board or commission.

RECREATION, INDOOR. An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be

bowling, roller skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

RECREATION, OUTDOOR. An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions and similar structures used primarily for recreational activities.

RECYCLING FACILITY. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

REHABILITATION CENTER (Halfway House). An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY. A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RENOVATION. Interior or exterior remodeling of a structure, other than ordinary repair.

RESTAURANT. An establishment that sells prepared food for consumption. Restaurants shall be classified as follows:

Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Restaurant, general. An establishment that sells food for consumption on or off the premises.

Restaurant, take-out. An establishment that sells food only for consumption off the premises.

SCHOOL, COMMERCIAL. A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school or modeling school).

SETBACK. The minimum required distance between the property line and the building line.

SIGN. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product

or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

SIGNS, COMMUNITY. Temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

SITE PLAN. A plan that outlines the use and development of any tract of land.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STORY. That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET. Any thoroughfare or public way not less than 16 feet in width which has been dedicated.

STREET, PRIVATE. A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

SUBDIVISION. The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

TEMPORARY BUILDING OR STRUCTURE. A building or structure not intended for human occupancy that is capable of being moved without doing structural damage to said building. These buildings will be accessory buildings or structures to the main occupancy of the property, (i.e., open detached carports, mini-storage sheds (not to exceed 120 sq ft), dog houses, etc.) All temporary structures and uses shall conform to the structural strength, fire

safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

THEATER. A building used primarily for the presentation of live stage productions, performances or motion pictures.

USE. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF. The change within the classified use of a structure or premise.

USE, NONCONFORMING. A use that lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

USE, PRINCIPAL. A use that fulfills a primary function of a household, establishment, institution or other entity.

USE, TEMPORARY. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

VARIANCE. A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

WAREHOUSE, WHOLESALE OR STORAGE. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

YARD. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.

YARD, FRONT. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.

YARD, SIDE. An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

ARTICLE III ZONING DISTRICTS AND MAP

SECTION 1 ESTABLISHMENT OF ZONING DISTRICTS

This ordinance of the City of Tullahoma is hereby divided into zoning districts, as follows:

AGRICULTURAL

General Agricultural District

OPEN SPACE

OS-1 Open Space Preservation District

RESIDENTIAL

R-1 Low Density Residential District

R-2 Medium Density Residential District

R-3 High Density Residential District

R-4 Mobile Home Park District

COMMERCIAL

C-1 Central Business District

C-2 General Business District

INDUSTRIAL

I-1 Restricted Manufacturing and Warehousing District

I-2 Heavy Industrial District

FLOODWAY

F-1 Floodway District

AIRPORT

AO-1 Airport Overlay District

HISTORIC OVERLAY

HO-1 Historic Overlay District

SECTION 2

OFFICIAL ZONING MAP

The location and boundaries of the zoning districts established by the ordinance are bounded and defined as shown on the map entitled "Zoning Map of the City of Tullahoma." The said map is made part of this ordinance by reference, and upon its introduction and passage is an effective and operative part thereof. The said map adopted by this ordinance is not included herein, but is on file and available for public inspection in the office of the director of planning. The zoning map shall hereafter be kept and maintained by the Tullahoma Municipal-Regional Planning Commission in the office of the director of planning and shall be available for inspection and examination by members of the general public at all reasonable times as any other public record.

SECTION 3

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the center lines of such streets, highways, or alleys.
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said boundary lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at the mean low water.
5. Boundaries shown as following or closely following the limits of the City of Tullahoma shall be construed as following such limits.
6. Where the application of the aforesaid rules leaves a reasonable doubt as the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question unless otherwise determined by the board of zoning appeals.
7. Whenever any street, alley, or public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.
8. The boundary of the F-1, Floodway District shall depict the 100-year flood elevation.

ARTICLE IV SPECIFIC DISTRICT REGULATIONS

SECTION 1 GENERAL AGRICULTURAL DISTRICT

A. Allowable agricultural (A) zone uses shall be:

Any agricultural use, including, but not limited to, dwellings, maintenance/storage buildings and other such uses necessary for the principal use.

B. Uses Permitted upon review

Accessory uses, including, but not limited to, amusement rides, office buildings, retail buildings and dwellings necessary for the maintenance of the principal use. Other uses as approved by the Planning Commission.

C. General.

The minimum area, setbacks, density and maximum height shall be as prescribed in Table TZ-1.

SECTION 2 OPEN SPACE PRESERVATION DISTRICT

A. Allowable Open Space (OS-1) zone uses shall be:

OS-1. Any public park land or other similar recreational use, any preservation area where there should be no construction allowed and land would be set aside for natural habitat for animals, plants and natural features,

B. Uses Permitted upon review

Accessory uses, including, but not limited to, amusement rides, office buildings, retail buildings and dwellings necessary for the maintenance of the principal use. Other uses as approved by the Planning Commission.

C. Prohibited Uses

The following uses shall not be permitted: Dairying, the commercial raising and maintaining of poultry and other livestock; feed lots; the raising of fur bearing animals; fish and minnow hatcheries; livery or boarding stables; or dog kennels.

D. General.

The minimum area, setbacks, density and maximum height shall be as prescribed in Table TZ-1.

**SECTION 3
RESIDENTIAL ZONES**

A. Allowable residential (R) zone uses shall be:

R-1. The following uses are permitted in an R, Division 1 zone:

Single-family dwellings, private garages, buildings accessory to the above permitted uses (including private garages and accessory living quarters), and temporary buildings.

R-2. The following uses are permitted in an R, Division 2 zone:

Any use permitted in R, Division 1 zones and two-family dwellings.

R-3. The following uses are permitted in an R, Division 3 zone:

All uses permitted in R, Division 2 zones, multiple-unit dwellings, such as apartment houses, boarding houses, condominiums and congregate residences.

R-4. The following uses are permitted in an R, MH-1 zone:

All uses permitted in R, Division 3 zones, multiple-unit dwellings, such as apartment houses, boarding houses, condominiums and congregate residences, and mobile home parks.

B. Uses permitted upon review.

1. Churches or similar places of worship, with accessory structures.
2. K-12 Schools, and colleges, public and private
3. Parks, playgrounds and ball fields.
4. Country Clubs with minimum 9 hole golf courses having a total land area of not less than 50 acres, but not miniature golf courses or driving ranges for commercial use.
5. Police & Fire Department Stations
6. Public and Governmental Services
7. Public Libraries
8. Public Parking Lots
9. Other uses as approved by the Planning Commission.

C. Uses prohibited.

Any use that is not permitted in Section A or B of the Residential Sections of this ordinance.

D. General.

The minimum area, setbacks, density and maximum height shall be as prescribed in Table TZ-1.

SECTION 4 COMMERCIAL ZONES

A. Allowable Commercial (C) zone uses shall be:

C-1. The following uses are permitted in a C, Division 1 zone:

Minor automotive repair, automotive motor fuel dispensing facilities, automotive self-service motor fuel dispensing facilities, business or financial services, convenience and neighborhood commercial centers, family and group day care facilities, libraries, mortuary and funeral homes, public and governmental services, police and fire department stations, places of religious worship, public utility stations, and restaurants.

C-2. The following uses are permitted in a C, Division 2 zone:

Any uses permitted in C, Division 1 zones, and light commercial, group care facilities, physical fitness centers, religious, cultural and fraternal activities, rehabilitation centers, and schools and colleges operated for profit (including commercial, vocational and trade schools) and amusement centers (including bowling alleys, golf driving ranges, miniature golf courses, ice rinks, pool and billiard halls, and similar recreational uses), automotive sales, building material supply sales (wholesale and retail), cultural institutions (such as museums and art galleries), community commercial centers (including wholesale and retail sales),

health and medical institutions (such as hospitals), hotels and motels (excluding other residential occupancies), commercial printing and publishing, taverns and cocktail lounges, indoor theaters, and self-storage warehouses.

SECTION 5 INDUSTRIAL ZONES

A. Allowable Industrial (I) zone uses shall be:

I-1. The following uses are permitted in an I, Division 1 zone:

Any light-manufacturing or industrial use, such as warehouses, research or testing laboratories, product distribution centers, printing and publishing, woodworking shops, auto body shops, furniture assembly, dry cleaning plants, places of religious worship, public and governmental services, machine shops, and other similar uses.

I-2. The following uses are permitted in an I, Division 2 zone:

Any use permitted in the I-1 zone and heavy manufacturing and industrial facilities such as auto-dismantling yards, breweries, paper manufacturing, quarries, salt works, petroleum refining and other similar uses. Heavy manufacturing and industrial facilities include uses that would result in significant noise, dust, odor, possible release of hazardous materials, explosives, and other hazards and undesirable effects that must be isolated for reasons of public safety and/or quality of life.

B. Uses permitted upon review.

1. The following uses may be permitted on review by the Planning Commission.

- a. Acid manufacture.
- b. Blast furnace or coke oven.
- c. Distillation of bones.
- d. Explosives, manufacturer or storage.
- e. Fat rendering, except as an incidental use.
- f. Fertilizer manufacture.
- g. Glue manufacture.
- h. Paper and pulp manufacture.
- i. Municipal or joint (municipal/county) owned and/or operated or private sanitary landfill facility, solid waste management facility, balefill and/or fill facilities, baling facility, separation facility, and related and accessory uses as regulated in Article
- j. All other similar uses which the planning commission declares to be special uses.
- k. Other uses as approved by the Planning Commission.

C. Uses prohibited.

Dwelling units, including hotels and motels; elementary and high schools, public or private; churches, yards or lots for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand automobile parts; salvage yards or junk yards; and all uses or structures not of a nature specifically permitted herein.

D. General.

The minimum area, setbacks, density and maximum height shall be as prescribed in Table TZ-1.

**SECTION 6
FLOODWAY OVERLAY ZONE**

A. Allowable Floodplain Overlay (FO-1) zone uses shall be:

Please see Tullahoma Municipal Floodplain Zoning Ordinance #1370 located in Appendix “B” of this Ordinance

**SECTION 7
AIRPORT OVERLAY ZONE**

A. Allowable Airport Overlay (AO) zone uses shall be:

The Airport Overlay District (AO-1) is an overlay district designed to: restrict or prevent hazards to air navigation; to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures which result from air traffic accidents. More specifically, it is hereby found that an obstruction has the potential for endangering the lives and property of users of the Tullahoma Regional Airport, and property and occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Tullahoma Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Tullahoma Regional Airport and the public investment therein.

Accordingly, it is hereby declared:

1. that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Tullahoma Regional Airport; and
2. that it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interest in land.

1. Applicability -- The Airport Overlay District (AO-1) shall act as an overlay on the official zoning map and the underlying district shall apply except as herein modified. **EXCEPTION:** Property under the jurisdiction of the Tullahoma Municipal Airport Authority shall be zoned AO-1. The Tullahoma Airport Authority, through its Chairman or designee, shall make a recommendation to the Planning Commission regarding any proposed construction within the AO-1 zone. Any recommendation to disapprove must include written justification. Failure to provide a recommendation to the Planning Commission will be considered as a neutral (neither approve nor disapprove) recommendation.

2. General Requirements -- Within the Airport Overlay District (AO-1) the following requirements shall apply:

a. This District shall act as an overlay on the official zoning map. The regulations contained in this section shall apply to such land in addition to the regulations contained in the underlying zoning district for such land. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the zone containing the more restrictive height regulations shall apply.

b. The provisions of this section shall apply to any new use and any substantial improvement to an existing structure, when such uses and structures are located in the airspace zones established by this section.

c. If a structure or tree is located in more than one of the zones established by this section, the zone containing the more restrictive regulations shall apply to such structure or tree.

B. Airport Zones.

In order to carry out the purposes of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Tullahoma Regional Airport. Such zones are shown on the Tullahoma Regional Airport Zoning Map, prepared and maintained by the director of planning, which shall be kept at the Tullahoma Municipal Building. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitations. The various zones are hereby established and defined as follows:

The elevation of the Tullahoma Regional Airport is 1,082 feet for purposes of establishing height limitations within the zones described below.

1. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at the horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Utility Runway Non-Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Runway Larger than Utility Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway Larger than Utility with a Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Runway Larger than Utility with a Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Precision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. Transition Zones - The transitional zones are the areas beneath the transitional surfaces.
8. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arc by drawing lines tangent to those arcs.
9. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

C. Airport Zone Height Limitations.

Except as otherwise provided in this ordinance, no structure, tree or object of natural growth shall be erected, altered, allowed to grow, or maintained in any zone created by this ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are computed from the established airport elevation (1,082 feet) and are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility Runway Non-Precision Instrument Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

3. Runway Larger than Utility Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Runway Larger than Utility with a Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway Larger than Utility with a Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Precision Instrument Runway Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
7. Transitional Zones - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,082 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
8. Horizontal Zone - Established at one hundred fifty (150) feet above the airport elevation or at a height of 1,232 feet above mean sea level.
9. Conical Zone - Slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or a height of 1,432 feet above mean sea level.

D. Land Use Safety Zoning.

1. Use restrictions --

a. Subject at all times to the height restrictions set forth in Section C, no use shall be made of any land in the approach zone, the horizontal zone, the conical zone or transition zone, as defined in Section B which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, take off, or maneuvering of aircraft.

b. It should be made clear that the land lying within the various zones is not in itself zoned but portions of the airspace above the land as defined in the height limitations.

c. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any trees or structure to a height up to fifty (50) feet above the surface of the land.

2. Safety Zone Boundaries - In order to carry out the purpose of this ordinance, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Tullahoma Municipal Airport, Tullahoma, Tennessee, and furthermore to limit population and building density in the critical airport areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there is hereby created and established the following land use safety zones:

a. Approach Zones - All land in the approach zones of a runway, as defined in Section B., 1. through 6., of this ordinance.

b. Approach/Departure Zone -- Subject at all times to the height restrictions set forth in Section C, and to the general restrictions contained in Section D.2.a. area designated as Approach Zones shall be restricted to the following uses permitted in the following zoning classifications: A-1, Agriculture District, R-1, Low Density Residential District; Residential District, C-2, General Commercial District, C-1 Central Commercial District, C-2, General Commercial District, C-3 Neighborhood Commercial District, I-1, Restricted Manufacturing and Warehousing Industrial, I-2 heavy Industrial District, and I-3 Planned industrial Parks including those uses permitted in each said district as uses permitted with a variance, however, that in no event shall public or private educational facilities, hotels and motels, places of assembly including churches, auditoriums, theatres, and the like, or hospitals and other institutional occupancies (restrained or nonrestrained) shall be permitted. The following uses are specifically prohibited in the Approach/Departure Zone: Duplexes, townhouses, apartment buildings, and mobile home parks.

E. Airport Zoning Map.

The several zones herein established are shown on the Tullahoma Municipal Airport, Tullahoma, Tennessee, Zoning Map. Such map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, date, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this ordinance.

F. Non-Conforming Uses

The regulations prescribed in Section C and D of this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction of which was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within two (2) years thereof.

G. Variance.

Any persons desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this ordinance, may apply for a variance therefrom. The application for variance shall be accompanied by a determination from either the Division of Aeronautics or the Federal Aviation Administration as to the effect(s) of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variance shall be allowed where a literal application or enforcement of hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance.

H. Permits.

1. Site plan approval -- The application for any building permit for construction within the Airport Overlay District (AO-1) shall be submitted in accordance with The Zoning Ordinance for the City of Tullahoma.
2. Existing uses -- Before any existing use, structure, or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, within any zone established herein, a permit must be secured authorizing such replacement, change or repair. No such permit shall be issued that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this ordinance or than it was when the application for a permit is made. Except as indicated, all applications for a permit for replacement shall be granted.
3. Non-conforming uses abandoned or destroyed - Whenever the Director of Planning determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted by the building official that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

I. Hazard Marking and Lighting.

Any permit or variance granted under Section G or H may, if such action is deemed advisable to effectuate the purpose of this ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the City of Tullahoma, Tennessee, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to fliers the presence of an airport hazard. Any markers and lights that are required to be installed on objects, structures, or trees deemed to be a hazard to flying shall be installed, maintained, and operated by the City of Tullahoma, Tennessee, if said hazard existed before the adoption of this ordinance. Any markers and lights that are required to be installed on objects, structures, or trees deemed to be a hazard to flying shall be installed, maintained and operated by the owners of the obstructing hazard if said hazard came into existence after the adoption of this ordinance.

J. Amendments.

Amendments may be made to the Airport Overlay District with regard to boundaries and regulations contained herein. However, no amendment to the Airport Overlay District zone boundaries and regulations shall become effective unless it first be submitted to and reviewed by the Tennessee Office of Aeronautics or subsequent state agency charged with fostering civil aeronautics. The report submitted by the Tennessee Office of Aeronautics shall be submitted for consideration by the Tullahoma Municipal-Regional Planning Commission and Board of Mayor and Aldermen prior to amendment of the provisions of the Airport Overlay District or zone boundaries.

K. Airport Zoning Administrator.

It shall be the duty of the director of planning, or his/her designee, to administer and enforce the regulations prescribed herein. Application for permits and variances shall be made to the director of planning, or his/her designee, upon a form furnished by the planning & codes division. Permit applications shall be promptly considered and granted or denied by the director of planning. Variance applications shall be forthwith transmitted by the director of planning for action by the Tullahoma Board of Zoning Appeals hereinafter provided for in the Zoning Ordinance of the City of Tullahoma, Tennessee.

HO-1 Historical Overlay District.

(a) General description and purposes. The historic district provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic and/or cultural value to the City of Tullahoma, Tennessee, pursuant to the authority contained in section 13-7-409, title 13, of the Tennessee Code Annotated. The general intent includes, among others, the following specific purposes:

- (1) To preserve and protect the historic and/or architectural value of buildings or other structures;
- (2) To protect the historic buildings or other structures from encroachment of surrounding uses which diminish or lessen their significance;
- (3) To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility;
- (4) To create an aesthetic appearance which complements the historic buildings or other structures;
- (5) To stabilize and improve property values;
- (6) To foster civic beauty;
- (7) To strengthen the local economy; and
- (8) To promote the use of historic districts for the education, pleasure, and welfare of the present and future citizens of Tullahoma.

(b) Creation of historic districts. Upon the creation of an historic district, the boundaries shall be shown on the zoning map or on special overlays thereto which are made a part of this section and may be viewed upon request at the office of the planning department. No structure shall be constructed, altered, repaired, moved, or demolished in any historic district

unless the action has been reviewed with the requirements set forth in this section. The Historic Overlay District(s) shall be shown as an Overlay on the Official Zoning Map.

(c) *Creation of a regional historic zoning commission.* A regional historic zoning commission is hereby created for the City of Tullahoma, Tennessee, and it shall consist of five (5) members who shall have been bona fide residents of the area of jurisdiction of the city for not less than three (3) years immediately prior to appointment and who shall continue to be so eligible as long as they serve.

(d) *Appointment to the historic zoning commission.* The mayor of the City of Tullahoma shall appoint the representative of the Tullahoma Historical Society, the member of the city council, one member of the Municipal Planning Commission, one member who is a licensed architect, and the other member shall be from the general public, all subject to confirmation by the city council.

(e) *Term of appointment, removal, and vacancies.* The members of the historic zoning commission shall serve for three-year terms, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one member, but not more than two (2) members shall expire each year. The term of the member nominated from the municipal planning commission shall be concurrent with the term on the planning commission, and the term of members from the local legislative bodies shall be concurrent with the terms on the local legislative body. All members shall serve without compensation and may be removed from membership by the appointing authority for just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the city council. Vacancies on the historic zoning commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. Vacancies shall be filled within a period of sixty (60) days following their occurrence. The commission may adopt rules and regulations consistent with the provisions of this part.

(f) *Election of officers, rules and meetings.* The historic zoning commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order for conducting meetings and establish regular meeting dates.

(g) *Conflict of interest.* Any member of the historic commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic zoning commission in connection therewith.

(h) *Powers and duties of the historic zoning commission.* The historic zoning commission may submit and it shall review applications for amendments to this section designating historic sites or buildings for special historic districts. A historic district or zone shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria:

(1) That it is associated with an event which has made a significant contribution to local, state, or national history;

(2) That it includes structures associated with the lives of persons significant in local state or national history;

(3) That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;

(4) That it has yielded or may be likely to yield archaeological information important in history or prehistory;

(5) That it is listed in the National Register of Historic Places; (Acts 1982 (Adj. S.), ch. 814, 1.); or

(6) That it addresses the cost of acquisition by city and/or county governments, restoration, maintenance and repair, as applicable.

(i) Additional powers and duties of the historic zoning commission.

(1) It shall be the duty of the historic zoning commission to make the following determination with respect to historic districts:

a. Appropriateness of altering or demolishing any building or structure within the historic district. The commission may require exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any recommendation to demolish a building or structure.

b. Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.

c. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.

d. The general exterior design, arrangement, texture, material, color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic zoning commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.

(2) It shall also be the responsibility of the commission to review all proposed nominations to the National Register of Historic Places for properties within the jurisdiction of the City of Tullahoma. A report of the commission's recommendations in this regard will then be forwarded to the Tennessee Historical Commission/State Historic Preservation Office.

(3) The commission shall also have the authority to conduct surveys of local historical and cultural resources and will maintain a list of districts and individual properties that have been designated historic pursuant to local legislation.

(4) The commission shall also have the authority to request that the Board of Mayor and Aldermen establish reasonable fees in regard to applications for certificates of appropriateness.

(j) Right of entry upon land. The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this section, but there shall be no right of entry into any building without the consent of the owner.

(k) *Liability of historic zoning commission members.* Any historic zoning commission member acting within the powers granted by this section is relieved from all personal liability for any damage and shall be held harmless by the city and county governments. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the City of Tullahoma, until the final termination of the procedure.

(l) *Submittal of building permit to the historic zoning commission.* The city building official shall not issue any permit for the construction, reconstruction, alteration, or extension of building or other structure within any historic zone district, nor shall any other agency issue a permit for the demolition or removal of any building or other structure within said district without first submitting the application for such permit together with all exterior plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon by the historic zoning commission and a recommendation sent to the Planning Commission. In the case of applications for demolition, no plans or other information shall be required to be submitted by the applicant.

(m) *Meetings on application.* The historic zoning commission shall meet within fifteen (15) days after notification by the city building official of the filing of an application relating to a historic district or a nomination to the National Register.

(n) *Approval by the historic zoning commission.* Upon recommendations of any application, the historic zoning commission shall forthwith transmit a report to the city building official stating the basis upon which such recommendation was made. Upon failure of the historical zoning commission to take final action within thirty (30) days after receipt of the application, the case shall be deemed a favorable recommendation, except when mutual agreement has been made for an extension of the time limit. When a recommendation has been issued, a copy thereof shall be transmitted to the city building official who shall, from time to time, inspect the construction or alteration of the exterior approved by such certificate, and report to the regional historic zoning commission any work not in accordance with the approved plans, before issuing a certificate of occupancy being issued.

(o) *Disapproval by the historic zoning commission.* In the case of a non-favorable recommendation of any application, the historic zoning commission shall state the reasons therefore in a written statement to the applicant, in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such recommendation and a copy of the written statement of reasons therefore shall also be transmitted to the city building official and forwarded to the Planning Commission.

(p) *Approval of removal or demolition.* In the event an application for removal or demolition or redevelopment of a building or other structure within an historic district is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the historic zoning commission, and said commission shall have a period of one hundred twenty (120) days from the date the application was filed to acquire such property. Upon failure of the historic zoning commission to take final action within one hundred twenty (120) days after the filing of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.

(q) *Appeals from decision of the historic zoning commission.* Appeals from any decision of the historic zoning commission may be made to the municipal planning commission by the filing of an appropriate resolution. Nothing in this section shall be interpreted as giving the historic zoning commission any authority to consider, review, examine or control the use of

TABLE TZ-1

ZONING DISTRICT	AREA REQUIREMENTS				YARD REQUIREMENTS			
	Minimum Lot Area	Minimum Lot Width at Setback	Max. Lot Coverage (%)	*Maximum Building Height	Front Yard Setback	Side Yard Setback	Rear Yard Setback	
A-1, Agricultural	5 Acres	N/A	25	35 ft.	35 ft.	15 ft.	35 ft.	
OS-1, Open Space, Preservation	2 Acres	200 ft.	5	35 ft.	50 ft.	20 ft.	50 ft.	
R-1, Low Density Residential, W/O Sewer	20,000 sq.ft.	100 ft.	25	35 ft.	35 ft.	10 ft.	25 ft.	
R-1, Low Density Residential, W/ Sewer	12,000 sq.ft.	75 ft.	30	35 ft.	35 ft.	10 ft.	25 ft.	
R-2, Medium Density Residential	10,000 sq.ft.	75 ft. Single	30	35 ft.	35 ft.	10 ft.	25 ft.	
	per dwelling	125 ft. Multi	35	35 ft.	35 ft.	15 ft.	25 ft.	
R-3, High Density Residential, Single	7,500 sq.ft.	50 ft.	25	35 ft.	35 ft.	10 ft.	25 ft.	
R-3, High Density Residential, Double / Townhouse	7,500 per d.u.	125 ft.	30	50 ft.	35 ft.	15 ft.	25 ft.	
R-3, High Density Residential, Multi-Family	3,000 per d.u.	150 ft.	35	50 ft.	50 ft.	20 ft.	35 ft.	
R-4, Mobile Home Parks	2.5 Acres	25 ft.	75	15 ft.	35 ft.	10 ft.	25 ft.	
	5,000 per d.u.							
C-1, Central Commercial	N/A	N/A	N/A	50 ft.	5 ft.	N/a	N/A	
C-2, General Commercial	N/A	N/A	80	35 ft.	35 ft.	10 ft.	10 ft.	
I-1, Restricted Industrial	N/A	N/A	80	50 ft.	35 ft.	20 ft.	25 ft.	
I-2, Heavy industrial	N/A	N/A	75	50 ft.	75 ft.	50 ft.	50 ft.	
F-1, Floodway	All areas within the 100 year flood as shown on FIRM Maps							
AO-1, Airport Overlay	See Zoning Section 7 of this ordinance							
H-1, Historic Overlay	See Zoning Section 8 of this ordinance							

* Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

ARTICLE V

GENERAL PROVISIONS

SECTION 501 OFF-STREET PARKING

501.1 General. Off-street parking shall be provided in compliance with this chapter whenever any building is erected, altered, enlarged, converted or increased in size or capacity.

501.2 Parking space requirements. Parking spaces shall be in accordance with Sections 501.2.1 through 501.2.4.

501.2.1 Required number. The off-street parking spaces required for each use permitted by this code shall not be less than that found in Table 501.2.1, provided that any fractional parking space be computed as a whole space.

**TABLE
501.2.1**

USE	NUMBER OF PARKING SPACES REQUIRED
Assembly	1 per 300 gross square feet
Dwelling unit	2 per dwelling unit
Health club	1 per 100 gross square feet
Hotel/motel	1 per sleeping unit plus 1 per 500 square feet of common area
Industry	1 per 500 square feet
Medical office	1 per 200 gross square feet
Office	1 per 300 gross square feet
Restaurant	1 per 100 gross square feet
Retail	1 per 200 gross square feet
School	1 per 3.5 seats in assembly rooms plus 1 per faculty member
Warehouse	1 per 500 gross square feet

501.2.2 Combination of uses. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.

501.2.3 Location of lot. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than 500 feet radially from the subject lot within the same or less-restrictive zoning district.

501.2.4 Accessible spaces. Accessible parking spaces and passenger loading zones shall be provided in accordance with the building code. Passenger loading zones shall be designed and constructed in accordance with ICC A117.1.

501.3 Parking stall dimension. Parking stall dimensions shall be in accordance with Sections 501.3.1 and 501.3.2.

501.3.1 Width. A minimum width of 9 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 8 feet wide.
2. Parallel parking stalls shall be permitted to be 8 feet wide.
3. The width of a parking stall shall be increased 10 inches for obstructions located on either side of the stall within 14 feet of the access aisle.
4. Accessible parking spaces shall be designed in accordance with ICC A117.1.

501.3.2 Length. A minimum length of 20 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 18 feet in length.
2. Parallel parking stalls shall be a minimum 22 feet in length.

501.4 Design of parking facilities. The design of parking facilities shall be in accordance with Sections 501.4.1 through 501.4.7.

501.4.1 Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

1. Private driveways at least 9 feet.
2. Commercial driveways:
 - 2.1. Twelve feet for one-way enter/exit.
 - 2.2. Twenty-four feet for two-way enter/ exit.

501.4.2 Driveway and ramp slopes. The maximum slope of any driveway or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the code official and the jurisdiction's engineer.

501.4.3 Stall access. Each required parking stall shall be individually and easily accessed. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than two dwelling units or other than residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

501.4.4 Compact-to-standard stall ratio. The maximum ratio of compact stalls to standard stalls in any parking area shall not exceed 1 to 2.

501.4.5 Surface. All parking areas in any zoning district other than R- Division 1 and 2 must be of an asphaltic, concrete or other type dustless surface, capable of withstanding emergency traffic vehicles and all heavy utility vehicles.

501.4.6 Striping. All parking stalls shall be striped.

Exception: A private garage or parking area for the exclusive use of a single-family dwelling.

501.4.7 Lighting. All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

SECTION 502

FENCE HEIGHTS

502.1 General. Fence and retaining wall heights in required yards shall not exceed those found in Table 902.1.

TABLE 502.1

MAXIMUM FENCE HEIGHTS

YARDS	HEIGHT
Front	3.5'
Rear	6.0'
Side	Lot Side 6.0' Street Side 3.5'

SECTION 503

LOCATION OF ACCESSORY BUILDINGS

503.1 General. Accessory buildings shall occupy the same lot as the main use or building.

503.2 Separation from main building. All accessory buildings shall be separated from the main building by 10 feet.

503.3 Private garages. An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard provided that setbacks are maintained and the structures do not encroach into any recorded easements. The building shall be permitted to be located in the front yard of a sloping lot if the lot has more than a 10-foot (3048 mm) difference in elevation from midpoint of the front lot line to a point 50 feet (15 240 mm) away midway between the side lot lines.

903.4 Storage buildings. All accessory buildings used for storage or other similar use shall be permitted to be located in any portion of the rear yard or side yard. No storage building shall be located in the front yard.

SECTION 504

ALLOWABLE PROJECTIONS INTO SETBACKS

504.1 General. Eaves, cornices or other similar architectural features shall be permitted to project into a required yard no more than 12 inches. Chimneys shall be permitted to project no more than 2 feet, provided the width of any side yard is not reduced to less than 30 inches.

504.2 Front yards. Open, unenclosed ramps, porches, platforms or landings, not covered by a roof, shall be permitted to extend no more than 6 feet into the required front yard, provided such porch does not extend above the first level and is no more than 6 feet above grade at any point.

504.3 Rear yards. Windows shall be permitted to project into a required rear yard no more than 6 inches.

SECTION 505

LANDSCAPING REQUIREMENTS

505.1 General. Landscaping is required for all new buildings and additions over 500 square feet as defined in the Tullahoma Landscaping Ordinance located in the appendices of the Tullahoma Subdivision Regulations. Said landscaping shall be completed within prior to the date of occupancy of the building.

505.2 Front yards. Front yards required by this code shall be completely landscaped, except for those areas occupied by access driveways, walls and structures.

505.3 Street-side side yards. All flanking street-side side yards shall be completely landscaped, except for those areas occupied by utilities, access driveways, paved walks, walls and structures.

505.4 Maintenance. All live landscaping required by Tullahoma Landscaping Ordinance shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, fertilized and irrigated on a regular basis.

SECTION 506

LOADING SPACES

506.1 General. Loading spaces shall be provided on the same lot for every building in the C or I zones.

Exceptions: 1.No loading space is required if prevented by an existing lawful building.
 2. If waived by the Planning Commission as not necessary for the business type.

506.2 Size. Each loading space shall have a clear height of 14 feet and shall be directly accessible through a usable door not less than 3 feet in width and 6 feet, 8 inches high. The minimum area of a loading space shall be 400 square feet and the minimum dimensions shall be 20 feet long and 10 feet deep.

SECTION 507

PASSAGEWAYS

507.1 Residential entrances. There shall be a passageway leading from the public way to the exterior entrance of each dwelling unit in every residential building of not less than 10 feet in width. The passageway shall be increased by 2 feet for each story over two.

507.2 Separation between buildings. There shall be at least 10 feet of clear space between every main building and accessory building on a lot. There shall be at least 20 feet of clear space between every residential building and another main building on the same lot.

507.3 Location of passageways. Passageways shall be permitted to be located in that space set aside for required yards. Passageways shall be open and unobstructed to the sky and shall be permitted to have such projections as allowed for yards, provided the users of said passageway have a clear walkway to the public way. Any space between buildings or passageways that has less width than that prescribed herein shall not be further reduced.

SECTION 508

APPROVAL FOR AND AVAILABILITY OF ESSENTIAL SERVICES

508.1 General. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval.

Nonavailability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full compliance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.

ARTICLE VI

SPECIAL REGULATIONS

SECTION 601

HOME OCCUPATIONS

601.1 General. Home occupations shall be permitted in all zones, provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

601.2 Conditions.

1. The home occupation shall not exceed 15 percent of the floor area of the primary structure.
2. Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation.
3. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
4. There shall be no exterior display or storage of goods on said premises.
5. Home occupations involving beauty shops or barber shops shall require a conditional-use permit.
6. Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
7. Two additional parking spaces shall be provided on the premises, except only one need be provided if the home occupation does not have an employee. Said parking shall comply with the parking requirements in Chapter 5.

SECTION 602

ADULT USES

602.1 General. A conditional-use permit shall be obtained for all adult-use businesses.

602.2 Provisions.

1. No adult-use business shall be located within 1,000 feet of a park, school, day care center, library or religious or cultural activity.
2. No adult-use business shall be located within 500 feet of any other adult-use business or any agricultural or residential zone boundary.
3. Such distances shall be measured in a straight line without regard to intervening structures, topography and zoning.

4. Said business shall be located in an I-2 zone and shall not be permitted as a home occupation.

ARTICLE VII

SIGN REGULATIONS

SECTION 701

PURPOSE

701.1 Purpose. The purpose of this chapter is to protect the safety and orderly development of the community through the regulation of signs and sign structures.

701.2 Sign Ordinance. The City of Tullahoma Sign Ordinance is hereby adopted by reference. (See Sign Ordinance as Appendix “A” to this Ordinance.)

ARTICLE VIII

NONCONFORMING STRUCTURES AND USES

SECTION 801

GENERAL

801.1 Continuance. Except as otherwise required by law, a structure or use legally established prior to the adoption date of this code may be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

SECTION 802

DISCONTINUANCE

802.1 Vacancy. Any lot or structure, or portion thereof, occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a

period of 6 months shall not thereafter be occupied, except by a use that conforms to this code.

802.2 Damage. If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value as determined by the code official, it shall not thereafter be reconstructed as such.

SECTION 803

ENLARGEMENTS AND MODIFICATIONS

803.1 Maintenance and repair. Maintenance, repairs and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

803.2 Changes of nonconforming use. A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

803.3 Additions. All additions to nonconforming structures and parking areas shall conform to the requirements of this code. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

ARTICLE IX

CONDITIONAL USES

SECTION 901

GENERAL

901.1 Conditional-use permit. A conditional-use permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a zone, but shall not be allowed under the general conditions of the zone as stated in this code.

SECTION 902

APPLICATIONS

902.1 Submittal. All conditional-use permit applications shall be submitted to the Planning Director as provided in this code. All applications shall be accompanied by maps, drawings, statements or other documents requested to make a sound decision. An appropriate fee shall be collected at the time of submittal as determined by the jurisdiction.

SECTION 903

PUBLIC HEARING

1303.1 Hearing and action. Prior to the approval, amending or denial of a conditional-use permit, a public hearing shall be held in accordance with the provisions of the state statute. Upon the completion of said public hearing, the commission shall render a decision within a time limit as required by law.

SECTION 904

DETERMINATION

904.1 Authorization. The Planning Commission shall have the authority to impose conditions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a conditional-use permit shall not be made unless the evidence presented is such to establish:

1. That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well being of the surrounding area.
2. That such use will comply with the regulations and conditions specified in this code for such use.
3. The planning commission shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use.

SECTION 905

EXPIRATION AND REVOCATION

905.1 General. A conditional-use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction

accomplished. When such permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the planning commission, hearing examiner or legislative body on appeal. A conditional-use permit shall be revoked when the applicant fails to comply with conditions imposed by the hearing examiner.

SECTION 906

AMENDMENTS

906.1 General.

An amendment to an approved conditional-use permit shall be submitted to the Planning Director accompanied by supporting information. The planning commission shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions deemed necessary.

SECTION 907

CONDITIONAL USE REVIEW CRITERIA

907.1 General. A request for a conditional use shall be permitted to be approved, approved with conditions or denied. Each request for a conditional use approval shall be consistent with the criteria listed below:

1. The request is consistent with all applicable provisions of the comprehensive plan.
2. The request shall not adversely affect adjacent properties.
3. The request is compatible with the existing or allowable uses of adjacent properties.
4. The request can demonstrate that adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the degree possible, adverse effects on the natural environment.
7. The request will not create undue traffic congestion.

8. The request will not adversely affect the public health, safety or welfare.
9. The request conforms to all applicable provisions of this code.

ARTICLE X

PLANNED UNIT DEVELOPMENT

SECTION 1001

GENERAL

1001.1 Approval. Planned unit developments (PUDs) shall be allowed by planning commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this code in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

1001.2 Intent. These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within a PUD. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.

SECTION 1002

CONDITIONS

1002.1 Area. No planned unit development shall have an area less than that approved by the planning commission as adequate for the proposed development.

1002.2 Uses. A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development, which allows residential uses and shall be governed by density, design and other requirements of the planned unit development permit.

Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use district.

1002.3 Ownership. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

1002.4 Design. The planning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.

1002.4.1 Density. Density of land use shall in no case be more than 15 percent higher than allowed in the zoning district.

1002.4.2 Arrangement. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.

1002.4.3 Specific regulations. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

1002.5 Open spaces. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:

1. Dedication of the land as a public park or parkway system; or
2. Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the legislative body.

1002.6 Landscaping. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the planning commission with the application.

1002.7 Signs. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.

1002.8 Desirability. The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

SECTION 1003

PLANNING COMMISSION DETERMINATION

1003.1 Considerations. In carrying out the intent of this section, the planning commission shall consider the following principles:

1. It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.
2. It is not the intent of this section that control of the design of a PUD by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this section.
3. The planning commission shall be authorized to approve or disapprove an application for a PUD.

In an approval, the commission shall be permitted to attach such conditions as it deems necessary to secure compliance with the purposes set forth in this chapter. The denial of an application for a PUD by the planning commission shall be permitted to be appealed to the legislative body of the jurisdiction.

SECTION 1004

REQUIRED CONTRIBUTIONS

1004.1 General. The planning commission, subject to acceptance by the Board of Mayor and Aldermen, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of, or addition to, roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

SECTION 1005

PLANNING COMMISSION ACTION

1005.1 Approval. The planning commission shall have the authority to require that the following conditions for a planned unit development (among others it deems appropriate) be met by the applicant:

1. That the proponents intend to start construction within 1 year of either the approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within 4 years from the date construction begins.
2. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

1005.2 Limitations on application.

1. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in compliance with any conditions attached by the jurisdiction as to its approval.
2. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.

3. The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

ARTICLE XI

VARIANCES

SECTION 1101

GENERAL

1101.1 Approval. The City of Tullahoma Board of Zoning Appeals shall have the power and authority to grant variances from the terms of this ordinance according to the procedure and under the restrictions set out in this section. The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property as the zoning ordinance intended.

1101.2 Application. After written denial of a building permit, or a decision made by the building official, a property owner may make application for a variance, using forms available in the building and planning department.

1101.3 Public Hearing. Upon receipt of an application and fee, the board shall hold a public hearing, having first given ten (10) days notice. Such notice of the time and place of such hearing shall be published in a newspaper of general circulation to the City of Tullahoma. The board of zoning appeals shall consider and decide all applications for variances within thirty (30) days of such public hearing and in accordance with the standards provided herein.

1101.3 Standards for Variances. In granting a variance, the board of zoning appeals shall ascertain that the following criteria are met:

1. Variances shall be granted only where special conditions or circumstances (such as exceptional narrowness, siting, or topography) fully described in the findings of the board, do not apply generally in the district.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.
4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
5. The granting of any variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public health, safety and welfare, or in conflict with the comprehensive development plan.

1101.3 Requirements for the Granting of a Variance. Before the board of zoning appeals shall have the authority to grant a variance, the person requesting the variance has the burden of showing:

1. That the granting of the permit will not be contrary to the public interest.
2. That the literal enforcement of the ordinance will result in unnecessary hardship.
3. That by granting the permit contrary to the provisions of the ordinance the spirit of the ordinance will be observed.
4. That by granting the permit, substantial justice will be done.

ARTICLE XII

BUILDING PERMITS

SECTION 1201

GENERAL

1201.1 General Requirements. A building permit shall be obtained from the Building Official of the City of Tullahoma, Tennessee, and shall be required for the following:

1. A building permit shall be required in all instances when any new, free standing building of any type whatsoever is constructed on property within the City of Tullahoma, Tennessee. Excluded from the provisions hereof are pre-fabricated buildings which are not on a permanent slab or foundation and less than one hundred (100) square feet in gross building area.

2. A building permit shall be required in any case when construction activities require plumbing and/or electrical installations.
3. A building permit shall be required in all instances when an existing building or other structure is erected, located, moved, added to or altered in any manner whatsoever if the cost of said improvements and/or activities exceeds five hundred dollars (\$500.00).
4. No building permit shall be issued except in conformity with the provisions of the Code of Ordinances of the City of Tullahoma, Tennessee, and the Zoning Ordinance of the City of Tullahoma, Tennessee.
5. Within an area subject to flood, the following additional information is to be included as part of an application for a building permit:
 - a. Copies of all federal and state permits required for the construction of the development shown on the plans.
 - b. Topographic information showing existing ground elevations, proposed ground elevations, lowest floor elevations in relation to the mean sea level certified by a registered professional engineer, architect or surveyor.
 - c. Plans showing the method of elevating the proposed structures, including details of proposed fills, and erosion protection measures. When required by the building official, these plans shall be prepared by a registered professional engineer or architect.

1201.2 Specific Requirements. The code administrator shall require at a minimum, the following specific information to be included as part of an application for a building permit:

1. Residential permits.
 - a. A detailed site plan indicating the location of present and proposed buildings, driveways, and utilities (e.g., water, sewer, power, and gas) and any other physical features affecting the development of the property.
 - b. Architectural and mechanical drawings depicting foundation, floor, wall, roofing, and mechanical plans.
 - c. All plans shall be drawn to scale and where more than one sheet is used shall be numbered sequentially.
2. Commercial, industrial, and other permits.
 - a. A detailed site plan as required in the City of Tullahoma Subdivision Regulations.
 - b. Architectural and mechanical, and electrical drawings depicting foundation, floor, wall, roofing, and mechanical plans.
 - c. All plans shall be drawn to scale and where more than one sheet is used shall be numbered sequentially.

SECTION 1202

CERTIFICATE OF OCCUPANCY

1202.1 Certificate of Occupancy.

No new building shall be occupied or given a permanent utility connection (e.g., water, sewer, electrical, gas) until after the building official has conducted a final inspection and issued a certificate of occupancy.

ARTICLE XIII AMENDMENTS

SECTION 1301

AMENDMENTS

1301.1 General. The regulations, restrictions, boundaries and options set forth in this ordinance may, upon proper application by the property owner or his designated representative or by an appropriate governmental agency, or the board of mayor and aldermen, be amended, supplemented, revised or repealed from time to time as conditions warrant, as herein set forth.

1301.2 Application. Amendments initiated by the property owner or by his designated representative or by an appropriate governmental agency or board of mayor and aldermen shall be initiated by the filing of an application with the director of planning. Applications shall be available in the office of the director of planning during normal business hours.

1301.3 Public Hearing. Upon receipt of such application, the director of planning shall schedule a public hearing for the planning commission to consider and make recommendations on all such proposed amendments, taking into account the testimony at the hearing, a site inspection of the property in question, recommendations from the director of planning or his designee or other official governmental agencies, and the standards provided for amendments.

1. Prior to holding such public hearing, the planning commission shall have first given ten (10) days notice of such hearing by one publication in a newspaper of general circulation.
2. The Planning commission shall notify all property owners whose property would be rezoned and who were not a party to the request for rezoning. Such notification shall be by certified mail to the last known address of the property owner ten (10) days prior to the public hearing. Notification by mail shall not be required in cases of general amendments to the zoning map or amendments to an entire zoning district.
3. The director of planning or his designee shall post a real estate type sign on the subject property or area proposed for rezoning. The sign shall indicate the date, time, and location of the public hearing and the nature of the request for rezoning. The sign shall be posted at least five (5) days prior to the public hearing.

1301.4 Reports to the Board of Mayor and Aldermen. The planning commission shall report to the board of mayor and aldermen on all such applications approved by the

commission. Amendments to zoning ordinances shall be scheduled for public hearing by the board of mayor and aldermen at the next regularly scheduled meeting of the board. Notice of the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the City of Tullahoma at least fifteen (15) days prior to the hearing. No change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or if disapproved, receive the favorable vote of a majority of the entire membership of the board of mayor and aldermen. The director of planning or his designee shall post a real estate-type sign on the subject property or area in a conspicuous location to public view. The sign shall indicate the date, time, and location of the public hearing and the nature of the request for rezoning. The sign shall be posted at least five (5) days prior to the public hearing.

1301.5 Time Limit. All amendments initiated by application filed with the director of planning shall be finally acted upon by the board of mayor and aldermen within one hundred twenty (120) days following the submission of the application and failure of the board of mayor and aldermen finally to act upon any proposal within the said one hundred twenty (120) day period shall be in all respects equivalent to rejection thereof.

1301.6 Standards for Amendments. A proposed amendment shall be considered on its own merits using the following criteria as a guide:

1. Amendments to official zoning map. The following conditions shall be met for all amendments:
 - a. The proposed amendment shall be necessary because of substantially changed or changing conditions in the area and districts affected, or in the city generally.
 - b. The proposed amendment shall be consistent with the intent and purposes of this ordinance.
 - c. The proposed amendment shall not adversely affect any other part of the city nor shall any direct or indirect adverse effects result from such amendment.
2. Errors or oversights as may be found in the ordinance as originally adopted shall be corrected under the normal amendment procedure.

ARTICLE XIV PENALTIES

1401.1 General.

It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land in violation of any regulation in this ordinance. Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of fifty dollars (\$50.00) together with the cost of the

action; and every day of violation shall constitute a separate offense. Compliance therewith may also be enforced by injunctive process at the suit of the city or the owner(s) of real estate within the district affected by the regulation of this ordinance.

ARTICLE XV VALIDITY

1501.1 General.

No invalidity of any part of this ordinance shall affect the validity of any remaining part, it being declared that all such remaining parts would have been passed irrespective of the validity or invalidity of any part found to be invalid.

ARTICLE XVI REPEAL OF ORDINANCE NO. 961

The No. 961, of the City of Tullahoma, entitled "City of Tullahoma, Tennessee, Zoning Ordinance," and all amendments thereto, are herein repealed.