

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 Purpose. The objective of this ordinance is to improve the appearance of certain set back and yard areas and including off- street vehicular parking and open-lot sales and service areas in the City of Tullahoma and to protect and preserve the appearance, character and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities, since the City of Tullahoma finds that the peculiar characteristics and qualities of the City of Tullahoma justify regulations to perpetuate its aesthetic appeal on a citywide basis. (Commercial and Industrial)

505.2 Enforcement. This ordinance shall be a minimum standard and shall be enforced by the department of planning and codes.

505.3 Definitions. In constructing the provisions of this ordinance and in addition to other terms or definitions in the City of Tullahoma's municipal and zoning ordinances, and the following definitions shall apply:

- 1. Landscaping.** Landscaping shall consist of any of the following or combination thereof: materials such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, and nonliving durable material commonly used in landscaping, such as but not limited to rocks, pebbles, sand, walls or fences but excluding paving.
- 2. Encroachment.** Defined as any protrusion of a vehicle outside of a park space, display area or access way into a landscaped area.
- 3. Tree Board.** Tullahoma Tree Board.
- 4. Tree Ordinance.** City Code Title 20 Chapter 5: "Tullahoma Tree Ordinance"

5. **Trees.** Defined as self-supporting woody plants of species which normally grow to an overall height of a minimum of six (6) feet in the City of Tullahoma.
6. **Shrubs.** Shrubs shall be a minimum of three (3) gallon in size when measured. Hedges where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one (1) year after time of planting.
7. **Vines.** Vines are plants which normally require support to reach mature form.

505.4 Applicability. These landscape requirements shall apply to front, side and rear yards for new buildings or additions over 500 square feet for all uses permitted in the C-1, C-2, I-1, & I-2 zoning districts contained in this zoning ordinance.

1. **Installation.** All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping exclusive of plant material except hedges shall be installed so as to meet all other applicable ordinances and code requirements, including the Landscaping Table within this Article. Landscaped areas shall require protection from vehicular encroachment as herein provided in Section 4(e) and 4(f). The director of planning or designee shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements contained herein.
2. **Maintenance.** The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. All landscaped areas shall be provided with a readily available water supply with at least one outlet located within 150 feet of all plant material to be maintained. When a required landscaping material dies or fails to grow, the owner of such property will be required to replace the landscaping treatment with an equal or better material (approved by the City Forester).
3. **Plant Material.**
 - 3.1 **Quality.** All plant material shall be clean and reasonably free of weeds and noxious or diseases. Workmanship shall be clean, neat, and aesthetically pleasing. Workmanship must also be performed in accordance with the recommended planting standard within this ordinance.
 - 3.2 **Trees.** Shall be species having an average mature spread of crown of greater than fifteen (15) feet in the City of Tullahoma and having trunks, which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a (15) feet crown spread. Trees species shall be a

minimum of six (6) feet overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than twelve (12) feet to such public improvements, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6x6x6) or equivalent. A list of recommended tree species shall be maintained by the Tree Board. The list can be viewed at <http://www.tullohmatn.gov/files/recommended-tree-list.pdf>. (also refer to the Tullahoma Tree Ordinance)

3.3 Shrubs and hedges. Shrubs shall be a minimum of three (3) gallon in size when measured. Hedges where required, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen within a maximum of one (1) year after time of planting.

3.4 Vines. Vines shall be a minimum of thirty (30) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified.

3.5 Ground covers. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within six (6) months after planting.

3.6 Lawn grass. Grass areas shall be planted in species normally grown as permanent lawns in the City of Tullahoma. Grass areas may be sodded, plugged, sprigged or seeded except that a solid sod shall be used in swales or other areas subject to erosion, and providing that in areas where other solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

4. Perimeter landscaping relating to abutting properties. On the site of a building or structure or open lot, providing an off-street parking area or other vehicular use areas where such areas will not be entirely screened visually by a building or structure from abutting property, that portion of the area not screened shall be provided with a wall or hedge or other durable landscaping barrier not greater than six (6) feet in height nor less than three and one-half (3½) feet in height to form a continuous screen between the off-street parking area or other vehicular use area and such abutting property. Such landscape barriers shall be located between the common lot line and the off-street parking area or other vehicular use area exposed to the abutting property provided the purpose of screening the off-street parking area and other vehicular use area is accomplished. If such barrier consists all or in part of plant materials, such plant materials shall be planted in a planting strip of not less than five (5) feet in width. In addition one tree shall be provided for each twenty-five (25) linear feet of such landscape barriers or fractional part thereof. Such trees shall be located between the common lot line and the off street parking area or other vehicular use area.

Each such tree shall be planted in at least twenty-five (25) square feet of planting area with a minimum dimension of at least five (5) feet. Each such planting area shall be landscaped with grass, ground cover or other landscape material excluding paving in addition to the required tree(s). The provisions of this subsection shall not be applicable in the following situations:

- 4.1 When a property line abuts a dedicated alley, or to those portions of the property that are opposite a building or other structure located on the abutting property.
- 4.2 Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier on an abutting property, said existing barrier may be used to satisfy the landscape barrier requirements of this subsection provided that said existing barrier meets all applicable standards of this ordinance and protection against vehicular encroachment is provided for hedges.
- 4.3 Where the abutting property is zoned or used for nonresidential uses, only the tree provision with its planting area as prescribed in this subsection shall be required; however the number of trees may be reduced to one tree for every 100 linear feet or fraction thereof but all perimeter requirements shall apply within the front setback area.

5. Sight distance for landscaping adjacent to public rights of way and points of access.

When an access way intersects a public right of way or when the subject property abuts the intersection of two or more public rights of way, all landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level between three (3) feet and six (6) feet, provided however, trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed, provided they are so located so as not to create a traffic hazard. Landscaping except required grass or ground cover shall not be located closer than three (3) feet from the edge of any access way pavement. The triangular areas above referred to are:

- 5.1 The areas of property on both sides of an access way formed by the intersection of each side of the access way and the public right of way line with two sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.
- 5.2 The area of property located at a corner formed by the intersection of two or more public rights of way with two sides of the triangular area being thirty (30) feet in length along the abutting public right of way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.

6. Existing Plant Material. In instances where healthy plant material exists on a site prior to its development, in part or in whole, for purposes of off-street parking or other vehicular use areas, the agency charged with the issuance of building permits may adjust the application of the abovementioned standards to allow credit for such plant material, if in its opinion, such an adjustment is in keeping with and will preserve the intent of this ordinance.

505.5. Plan approval. Prior to the issuance of any permit for a commercial or industrial building, a site or landscaping plan (which complies with Landscaping Table) shall be submitted to and approved by the Director or their designee. The site or landscaping plan shall be drawn to scale, including dimension and distances, and clearly delineate the existing and proposed parking spaces, or other vehicular use areas, access aisles, driveways, sprinklers or water outlet locations, and the location, size and description of all other landscape materials, the location and size of buildings, if any to be served, and shall designate by name and location the plant material to be installed or, is existing, to be used in accordance with the requirements hereof. No permit shall be issued for such building or paving unless such plot plan complies with the provisions hereof, and no certificate of use and occupancy shall be issued until the landscaping is complete and it shall be unlawful to occupy the premises unless the landscaping is installed in accordance with the approved plot plans and the requirements hereof. **(Also refer to the Tullahoma Tree Ordinance).**

City of Tullahoma Landscaping Standards

**Table L-1 – Planting Requirements
Tree Sizes (Minimum)**

Zoning Classification	Deciduous Trees (2 ½" Caliper)	Evergreen (6ft. Minimum)	Shrubs (3 gallon Minimum)
Commercial	1 per 100 linear ft. of lot perimeter	1 per 100 linear ft. of lot perimeter	1 per 3 linear ft. of building frontage
Industrial	1 per 100 linear ft. of lot perimeter	1 per 100 linear ft. of lot perimeter	1 per 3 linear ft. of building frontage

Notes:

- (1) All new commercial, office and industrial sites are to have green (landscaped) buffer zones of at least 10 feet in width around the perimeter of lots.
- (2) All drainage ditches are to be sodded from ridge to ridge or other alternates accepted by the City of Tullahoma (i.e. concrete, asphalt, tile, box culvert, etc.).
- (3) All frontage for lots is to be sodded. Other sides may be seeded and strawed.
- (4) All buffers between zone changes must have evergreen trees (semi sheared) and grass.

Landscaping plan shall consider all sides of property (front, back and sides). Distribution of landscaping required for sides will depend on specific location, neighbors and total plan.

Trees to be considered by the list of recommended tree species maintained by the Tree Board. The list can be viewed at <http://www.tullahomatin.gov/files/recommended-tree-list.pdf>. (also refer to the Tullahoma Tree Ordinance)

SECTION 506

RESERVED

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.

No availability 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.

SECTION 509

EXTENDED YARD SETBACK REQUIREMENTS AND EXCEPTIONS

509.1 Extended Setbacks. All principal and accessory structures on lots abutting more than one street shall observe the minimum front yard setback along each street in accordance with the provisions in Table TZ-1.

Section 509.2 Exceptions.

1. New single family and two family dwelling units shall align to the average front building line of existing residential dwelling units along the same road within 150 feet.
2. New single family and two family dwelling units' side yard is abutting a road the side building line may align to the average front building line of existing residential dwelling units along the same road within 150 feet.

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

SECTION 603.

TEMPORARY FAMILY HEALTHCARE STRUCTURE

603.1 General. Temporary family healthcare structures shall be permitted as an accessory structure in any residential zoning district on lots with single-family detached dwellings, all temporary family healthcare structures shall be: a) for use by a caregiver in providing care for a mentally or physically impaired person; and b) on property owned or occupied by the caregiver as their residence.

603.2 Provisions.

1. Temporary family healthcare structures shall be primarily assembled at a location other than its site of installation;
2. Is limited to one (1) occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;
3. Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act;
4. Temporary family healthcare structures shall be no more than five hundred (500) gross square feet in size;

5. Complies with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure;
6. Only one (1) temporary family healthcare structure shall be allowed on a lot.
7. Any temporary family healthcare structure installed pursuant to this section shall be required to connect to water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the department of health.
8. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family healthcare structure or elsewhere on the property.

603.3 Permitting.

1. Any person proposing to install a temporary family healthcare structure shall first obtain a permit from the Tullahoma Planning & Codes Department; fee of one hundred dollars (\$100).
2. The Tullahoma Planning & Codes Department shall require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family healthcare structure remains on the property. This evidence may involve the inspection by the Planning & Codes Department of the temporary family healthcare structure, not limited to any annual compliance confirmation;
3. Any temporary family healthcare structure installed pursuant to this section shall be removed within thirty (30) days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. The city may fine the property owner up to fifty dollars (\$50.00) per day for a violation of this section, with each day constituting a separate offense.
4. The Tullahoma Planning Commission may revoke the permit granted pursuant to subsection (c) if the permit holder violates this section. Additionally, the Board of Mayor and Aldermen may seek injunctive relief or other appropriate actions or proceedings in the circuit court of Coffee County or Franklin County to ensure compliance with this section. The Planning & Codes Department has the necessary authority to ensure compliance with this section.

SECTION 604

MOBILE HOMES AND MOBILE HOME PARKS

604.1 General.

These regulations are designed to recognize and promote the potential benefits that mobile homes offer as attractive, economical single-family dwellings. It is the intent that mobile home parks contain sound development and be a desirable place to live.

604.2 Mobile homes outside of parks.

It shall be unlawful for any mobile home to be used, stored, or placed on any lot or serviced by the utilities of the city where said mobile home is outside of any designated and licensed mobile home park, except mobile homes located on a licensed mobile home sales lot.

604.3 Nonconforming mobile homes.

Any mobile home already placed on a lot on or before the date of passage of the zoning ordinance from which this section is derived will be permitted to remain at its present location. Any mobile home site at any location with utility connections and other facilities constructed specifically for utilization as a permanent mobile home parking site, in existence prior to said date, shall be permitted to be utilized for parking and servicing mobile homes hereafter. If the nonconforming mobile home remains vacant for a period of one year, the owner shall be given, at the end of that year, a period not to exceed sixty (60) days in which to remove the mobile home and to comply with all provisions of this section.

604.4 Pre-existing mobile home parks.

Pre-existing parks which cannot comply with the requirements regarding mobile home parks shall be considered as a nonconforming use; provided, however, if at any time the ownership of said park shall change, said new owner shall be given a period not to exceed one hundred and eighty (180) days in which to comply with current park regulations in all respects and his failure to do so shall render him ineligible for a park permit at his then present location. Said pre-existing parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of said park.

604.5 Mobile home park development standards.

1. The following property development standards shall apply for all mobile home parks:
 - a. No parcel of land containing less than two and one-half (2½) acres and less than fifteen (15) mobile home spaces available at the time of first occupancy shall be used for a mobile home park. However, the plans submitted for approval as required in number 4. Plans required shall be designed for a minimum of twenty-five (25) mobile home units.

- b. There shall be not less than three thousand (3,000) square feet of lot area for each space provided on the site. This space ratio shall include access roads, automobile parking, accessory building space, and recreational areas.
 - c. The mobile home park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - d. Yards:
 - (1) Each mobile home park shall have a front yard of twenty-five (25) feet extending for the full width of the parcel devoted to said use.
 - (2) Each mobile home park shall have a rear yard and a side yard on both sides of the parcel devoted to said use of not less than ten (10) feet.
 - (3) Where a side or rear yard abuts a street, the yard shall be not less than twenty-five (25) feet.
 - (4) All yards shall be landscaped and maintained.
 - e. No building or structure erected or stationed in this mobile home park shall have a height greater than one (1) story or fifteen (15) feet.
 - f. A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven (7) feet in height. Such wall, fence, or hedge shall not be constructed or planted within the required front yard setback.
 - g. Each mobile home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of nine (9) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.
2. Each mobile home space shall be of sufficient size that, in addition to the mobile home unit, the following areas shall be provided:
- a. Each mobile home space shall be at least thirty (30) feet wide and such space shall be clearly defined by permanent markers.
 - b. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
 - c. Mobile homes shall be so harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes, provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall be not less than ten (10) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
 - d. All mobile home spaces shall contain a concrete manufactured home pad or deck constructed of pressure treated wood. The pad or deck shall be at least 80 square feet in area and shall be located at the front entrance or porch to each mobile home.
 - e. All mobile homes within the park shall be equipped with two sets of steps.
 - f. There shall be at least one (1) paved, off-street parking space for each mobile home unit, which shall be on the same site as the mobile home unit served, and may be located in the rear or side yard of said mobile home space.

3. Provisions:

- a. There shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one (1) for every four (4) mobile home unit sites.
- b. Access roads within a mobile home park shall be paved to a width of not less than twenty (20) feet and shall be constructed in accordance with local public works standards and specifications.
- c. Road names and Signs.
 - (1) Permanent road names shall be assigned to all internal roads. Such road names shall not be similar in name to any existing street name in Coffee and Franklin Counties. Permanent road name signs which are clearly visible shall also be installed at all road intersections within the park.
 - (2) At least one identification sign, clearly visible both day and night shall face each public road upon which the manufactured home park fronts. Said sign shall be located off the road right-of-way and have a maximum area of 32 square feet.
 - (3) The cost for the purchase and installation of all road name and identification signs within the manufactured home park shall be borne entirely by the developer.
- d. Each mobile home space shall have a site number, a minimum of three inches in height, of permanent lettering attached or painted on the electrical service, placed at the driveway entrance or affixed to the manufactured home and said site number shall be visible from the internal road serving the space.
- e. Mobile home spaces may abut upon a driveway of not less than twenty (20) feet in width which shall have unobstructed access to the access road within the mobile home park. The sole vehicular access shall not be an alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.
- f. The mobile home unit shall be placed on a foundation in accordance either with the manufacturer's specifications for the specific unit, or local and state standards and specifications.
- g. Each mobile home space shall be provided with a connection to a sanitary sewer line or to a sewer system approved by the health department (i.e., use of septic tank systems shall not be permitted).
- h. There shall be provided a park or recreation area having a minimum of one hundred and fifty (150) square feet for each mobile home space. Areas shall be consolidated into usable areas with minimum dimensions of not less than thirty (30) feet.
- i. Each mobile home park shall be provided with a management office and such service buildings as are necessary to provide facilities for storage space for supplies, maintenance materials and equipment.
- j. Mobile home units, with or without toilet facilities that cannot be connected to a sanitary sewer line shall not be permitted in a mobile home park.
- k. Cabanas and other similar enclosed structures are prohibited.
- l. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home parks.
- m. Mobile homes shall be skirted.

- n. Spaces within the mobile home park shall be provided for cluster mailboxes. Subject to their approval by the United States Postal Service; cluster mailboxes shall be used.
 - (1) The cluster mailboxes shall be located at convenient places within the park deemed suitable by the United States Postal Service.
 - (2) Individually owned and located mailboxes shall not be allowed.
 - (3) All cluster mailboxes shall be located within the mobile home park and shall not front directly on any public road.
 - (4) At least one mailbox per manufactured home space shall be provided and the residents of the manufactured home occupying that space shall be provided with a key to open and close the corresponding mailbox.
- o. Trash removal shall be accommodated by one of the following methods in mobile home parks:
 - (1) The owner of the mobile home park shall contract with a private trash hauler for removal of trash from within the park.
 - (2) The owner of the mobile home park shall provide centralized trash dumpsters at convenient locations within the manufactured home park.
 - (3) The owner of the mobile home park shall provide each mobile home space with one or more covered trash containers having a minimum capacity of twenty-four gallons either individually or in combination.

4. Plans required:

The following information shall be shown on the mobile home park development plan to be reviewed and approved by the Planning Commission:

- a. The location and legal description of the proposed mobile home park.
- b. Plans and specifications of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
- c. Utilities (e.g., water, sewer, electrical, gas) and any required easements.
- d. Roads and any required right-of-ways.
- e. Drainage structures and any required easements.
- f. The proposed use of buildings shown on the development plan.
- g. The location and size of all mobile home spaces.
- h. The location of all points of entry and exit for motor vehicles and internal circulation patterns.
- i. Landscaping plan and Drainage plan.
- j. The location of all lighting to be provided.
- k. The location of all walls and fences and the indication of their height and the materials of their construction.
- l. The location of all off-street parking facilities including guest parking facilities.
- m. Such other engineering and site planning data as may be required to permit the planning commission to determine if the provisions of this ordinance are being complied with.
- n. Mobile home park development plans shall be recorded with the County Register of Deed's Office.
- o. Certificates that shall be required are:
 - 1. Certification of Ownership

2. Certificate of Approval for Recording
 3. Certificate of Approval of Utility Systems
 4. Certificate of Approval of Roads
 5. Certificate of Accuracy
5. A revised development plan shall be submitted to the planning commission for approval of any changes, alterations, amendments, or extensions to the development plan. Approval of such changes may be granted if in the opinion of the planning commission, the requested changes would be in keeping with the intent and provisions of this ordinance.
 6. No building permit shall be issued for construction of any building or structure or location of any mobile home unit on the land until the planning commission has approved the development plan and a statement of approval has been affixed to said development plan.
 7. The building permit shall be revoked if construction of any building, part or phase, of the development is not in compliance with the approved development plans.

ARTICLE VII

SIGN REGULATIONS

SECTION 701

GENERAL

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 Definitions. The following definitions shall be applicable for all types of signage located within the city:

ABANDONED SIGN, ABANDONMENT. A sign that is erected off-site or on-site in conjunction with a particular use that has been subsequently disconnected regardless of any intent to resume or not to abandon and shall not be reestablished, unless the new sign meet all current standards. For this purpose of this chapter, regardless of size, copy on the sign indicating the sign is for lease or rent shall not be construed as a sign.

ANIMATED SIGN. A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

- a. **Electrically activated.** Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - i. **Flashing.** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.
 - ii. **Patterned illusionary movement.** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- b. **Environmentally activated.** Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- c. **Mechanically activated.** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

AUCTION SIGN. A type of incidental sign that provides information about the sale of property or other items from a premises.

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall or fascia sign."

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. See “Off-premise sign” and “Outdoor advertising sign.”

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY (Attached). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

CANOPY (Free-standing). A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free-standing canopy.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

- a. **Electrically activated.** Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “Electronic message sign or center.”
- b. **Manually activated.** Changeable sign whose message copy or content can be changed manually.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DILAPIDATION. When a sign is allowed to fall into a state of disrepair, decay or ruin and the cost to repair exceeds fifty percent of the fair market cost, including labor and materials, for the erection of similar sign not needing repairs.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DIRECTOR. The term Director shall mean the Director of Planning and Codes Department or their designee.

DISPLAY SURFACE AREA. The display surface area shall mean and include the entire area of a single continuous perimeter enclosing figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports, uprights or decorative base shall not be included in determining the display surface area of a sign.

DOUBLE-FACED SIGN. A sign with two (2) sign faces that are parallel or within up to fifteen (15) degrees of being parallel and oriented in opposite directions.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. Any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology.

ENTRANCE SIGN. Any sign placed at the intersection of a public street and a public or private entryway into an apartment complex, condominium complex, office complex, industrial complex or other building or buildings with multifamily residential dwelling units or multiple commercial units.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See "Wall or fascia sign."

FLAG SIGNS. A ground sign made of flexible material of distinctive color and designed to attract attention, used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole, excluding American, state, city or county flags.

FLASHING SIGN. A sign, the illumination of which is intermittently on and off, so as to flash, blink, chase or to reflect light, such as metallic or Mylar-type fluttering materials.

FREE-STANDING SIGN. A sign which is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of a building or other structure whose principal function is something other than the support of a sign. (Also referred to as a ground, monument or pole sign).

FRONTAGE (Building). The length of an exterior building wall or structure of a single premise orientated to the public way that it faces.

FRONTAGE (Property). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GOVERNMENTAL SIGN. A sign erected and maintained by the federal, state, or local government or agency thereof for a governmental purpose. For the purpose of this chapter a "traffic control sign" is a sign for the purpose of regulating, warning, or guiding traffic. No governmental sign or traffic control sign shall bear any advertising or commercial message.

GROUND LEVEL. The first floor above ground. The ground level floor in a building that has two (2) or more floors, excluding the basement, extends to the floor of the next or second floor above ground level. The ground level floor in building with only one (1) story, excluding the basement, extends to the lowest point of the roof on the side to which the sign is attached. When a building is located on a sloping lot and ground level street frontage on two or more streets, then the building may have two (2) level floors, but the ground level floor shall be determined for each side of the building based upon the foregoing definition of ground level.

GROUND SIGN. Any sign supported by uprights or braces which are permanently placed into the ground, and not supported by or suspended from any building. Ground signs include monument-based signs, pole and post mounted signs.

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INCIDENTAL SIGN. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

INTERIOR SIGN. Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

INDIRECT ILLUMINATION. A source of light which is not seen directly.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building facade.

MAINTENANCE. To keep in existing state of repair; preserve from decline; the upkeep of property.

MARQUEE. See "Canopy (attached)."

MARQUEE SIGN. See "Canopy sign."

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MONUMENT SIGN. A ground based sign that is a freestanding sign attached to a contiguous structural base or planter box that is the same width or greater than the message portion of the sign as opposed to a sign supported by and attached to poles or braces and is permanently affixed to the ground.

MOVING SIGN. Signs which swing, undulate, or otherwise attract attention through the movement of parts or through the impression of movement.

NON-CONFORMING SIGN. Any sign legally constructed or erected prior to the effective date of any ordinances or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance or code is not made legal by this chapter unless it conforms to all the requirements of this chapter.)

OFF-PREMISE SIGN. An off-premise sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service, or entertainment which is not primarily conducted, sold, or offered upon the same lot of record. (Off-premise signs include but not limited to, billboards, and portable sign structures.)

ON-PRIMISE SIGN. An on-premise sign or portion thereof is a sign which directs attention to a business, profession, commodity, service, or entertainment which is primarily conducted, sold, or offered upon the same lot of record.

PARAPET. A vertical false front or wall extension above the roofline.

PERSONAL EXPRESSIVE SIGN. Signs placed upon private property that expresses a personal message. (i.e., Support Our Troops, Ten Commandments, Athletic Support, Academic Support, etc.) Also to include Alarm Notification Signs.

POLE SIGN. See Ground Sign.

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN. A portable sign shall include any advertising sign or device, counterbalance sign, trailer sign, or any variation thereof, located on the ground, easily moveable, not permanently attached thereto and which is usually a two sided sign and including any single or double surface painted or poster panel type sign or any variation thereof which is temporary in nature. (Portable signs cannot be made a temporary or permanent sign simply by affixing it to the ground or other surface.)

PROJECTING SIGN. A sign other than a wall sign that is attached to or projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN. A sign that revolves 360 degrees about an axis. See also "Animated sign, mechanically activated."

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer line, or for another special use. The usage of the term "right-of- way," for land platting purposes, shall mean that every right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

SETBACK. A line located parallel to and a specified distance from the right-of-way line such distance being as specified in the applicable section of this chapter, and behind which line a sign allowed under this chapter may be constructed, erected, or otherwise maintained.

SIGN. Street graphics, including frame, letter, figure, character, make, plain, point, marquee, design, picture, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, or any business, or any person, firm or corporation, or to any public performance, or to any article, machine, or merchandise of any nature whatsoever and which is displayed in any manner whatsoever.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or “V” shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

- a. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- b. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
- c. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
- d. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

SNIPES SIGNS. Any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign does not qualify as an incidental sign allowed pursuant herein. (All snipe signs shall be considered illegal and immediately removed.)

STORE FRONT. The primary facade of a single, undivided unit containing an area larger than seven hundred fifty (750) square feet.

SUBDIVISION SIGN. Any entrance sign placed at the intersection of two (2) public roads to identify the development.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any other sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. (Portable signs cannot be made a temporary or permanent sign simply by affixing it to the ground or other surface.)

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a canopy or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a “V” shape with an interior angle between faces of not more than 90 degrees with the distance between the sign faces not exceeding 5 feet at their closest point.

WALL OR FASCIA SIGN. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

WINDOW SIGN. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

"Size." Refers to display surface area.

701.3 Administration and enforcement

1. Authority of the Director. The Director is hereby designated as the enforcement officer for this section.
2. Authority for Director to remove signs from public property. Signs that are placed in the public right-of-way shall be immediately removed by the Director. The owner will be notified by the Director of the removal of the sign(s) from the right-of-way. If the sign is not claimed within ten (10) days, the city may consider it abandoned and discard same.

SECTION 702

SIGN PERMITS AND FEES

1. **Permit and fee required.** It shall be unlawful for any person, corporation or association to erect, repair, alter, relocate, or keep within the city any sign or other advertising structure, as defined in this chapter, on a lot of record without first obtaining a sign permit from the Director and paying the permit fee required by this section.
2. **Signs exempt from sign permit or permit fee requirements:**
 - a. National, state, city, county flags;
 - b. Address signs (street number);
 - c. Portable real estate not to exceed 6 sq. ft. and auction signage not to exceed 16 sq. ft.
 - d. Government regulatory and directional signage;

- e. Holiday decorations installed by the City of Tullahoma or Tullahoma Utilities Authority
- f. Name and/or address plaques;
- g. Scoreboard and ball field fence signs located inside athletic fields owned by government entity;
- h. Signs using glazing (glass) surfaces of buildings except means of egress (i.e. exit doors and openings) that will not be obstructed with advertising;
- i. Vehicle signs, except as prohibited in this code;
- j. Election campaign signs placed upon private property;
- k. Historical markers.
- l. Personal expressive signs located on private property, not to exceed 4 square feet.

3. **Application** for sign permit. An application for a sign permit shall be made upon forms provided by the Director and shall include the following information:

- a. Site plan indicating the location of building(s), site improvements including parking and landscaping areas, utility service lines, and signage.
- b. For signs attached to a building or structure a dimensional sketch showing the position of the sign in relation to the building or structure to which it will be attached. The linear footage of the building frontage and signs in existence at the time of application shall be included. Mansard roof signs shall submit plans to show compliance with the applicable provisions of the adopted International Building Code, as amended.
- c. For permanent ground signs the owner or contractor will provide a two dimensional plan showing the height, shape, display surface area, foundation and structural plans, and a detailed site plan containing the features itemized above in 3.a.
- d. If the sign is served with electrical power, the owner or contractor shall obtain an electrical inspection permit(s) for inspections and provide detailed plans to determine compliance with applicable electric codes.

4. **Permit fees:**

- a. The fee for all signs not exempt from the fee shall be twenty dollars (\$20.00) plus one dollar (\$1.00) per square foot of surface area display; except for portable temporary signs, the fee shall be a flat rate of thirty dollars (\$30.00).
- b. For the relocation or moving of any sign or sign structure, the fee shall be thirty dollars (\$30.00), except that no fee shall be required if such move is being made in order to comply with this chapter where prior to such move the sign was legally nonconforming. To relocate on a different lot of record the other provisions of this section shall apply.
- c. For the demolition of any permanent sign or sign structure, the fee shall be thirty dollars (\$30.00), except that no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.

5. **Location** to be marked. Before any sign permit can be issued, the proposed location shall be marked by the owner or contractor. The location should be marked using stakes readily detectable for visual inspection by the Director.

6. **Installation.** All signs must be installed in compliance with the applicable provisions of this ordinance and Appendix H of the International Building Code, and other applicable construction standards.
7. **Inspections -- Permanent signs.**
 - a. Upon issuance of the sign permit, the Director will require a footing inspection. It is the responsibility of the contractor to call the Director and request a footing inspection. Construction shall not proceed until the inspection is made and approved by the Director.
 - b. A final inspection shall be required by the Director upon installation of the proposed sign. It is the responsibility of the contractor to call the Director and request a final inspection for the sign and electrical inspection.
 - c. It is the responsibility of the owner or contractor to notify the Director when a required inspection is needed. Construction shall not proceed until the Director authorizes construction to proceed.
8. **Inspections--non-permanent** (temporary/portable) signs requiring electrical connection.
 - a. Upon issuance of electrical permit by the City of Tullahoma, an electrical inspection will be scheduled with the State of Tennessee electrical inspection. An inspection of the electrical connection will be performed to insure the electrical connection complies with applicable provisions of the National Electrical Code, latest edition.
 - b. The property owner shall take appropriate action to insure all wiring and electrical connections are maintained in compliance with applicable provisions.
9. **Computation of sign area, height and power line setbacks.**
 - a. Sign area. Sign area shall be calculated by the total sign display area.
 - b. Height measurement. Sign height shall be measured from the ground at the center of the sign or the adjacent street elevation (whichever is greater) to the highest point of the highest element of the sign, excluding any incidental structural element.
 - c. Clearance from electrical power lines. The closest part of a sign shall not be any closer than eight (8) feet horizontally from a vertical line above and below the nearest primary conductor(s). The closest part of a sign shall not be any closer than eight (8) feet horizontally from a conductor not attached to the sign.
10. **Failure to obtain permit.** Failure to obtain a permit prior to beginning construction shall automatically result in a penalty of double the permit fee. Failure to obtain an inspection shall automatically result in a penalty of double the permit fee. No additional permits will be issued to an applicant who has any outstanding penalties.

SECTION 703

PROHIBITED SIGNS

1. **Prohibitions and restrictions pertaining to signs.** It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:
 - a. A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP" or "DANGER"; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information. Signs which imitate traffic-control devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.
 - b. A sign or illumination that causes any direct glare into a building or other structure than the building to which the sign may be accessory.
 - c. Flashing and lighted signs, except as used as holiday decorations in a residential zone. Flashing and lighted signs which are visible at any public street or sidewalk in all commercial and historic zoning districts are permitted as follows:
 - i. Any sign powered with electricity shall have all wiring and electrical connections comply with applicable provisions of Article 600 of the National Electric Code.
 - ii. All bulbs must be present and lit.
 - iii. Bulbs and side panels must be properly safeguarded to prevent the inadvertent electrocution of anyone such as a small child, who could place a finger in the socket in the event of a missing bulb.
 - iv. Bulbs will be white to prevent possible confusion with emergency vehicle lights.
 - v. Electrical cords crossing pavement or driveway must be protected from damage. Methods include a Cable/Hose Protection System as attached example, or underground cable, etc. Electronic message center signs are permitted.
 - d. Signs attached to a roof structure that extends above the highest point of the roof, except inflatable signs.
 - e. Signs which are attached or otherwise affixed to trees or other living vegetation.
 - f. Signage attached to utility poles, structures or other public places.
 - g. A sign placed in a right-of-way, except regulatory, advisory, or informational signs placed by federal, state, or local governmental authorities.
 - h. Signs incorporating any noise making device.
 - i. Temporary signs which violate the temporary sign section.
 - j. Signs that interfere with any existing warning or instructional sign.
 - k. No electrical light or fixture shall be attached in any manner to any sign unless it is installed in accordance with Article 600 of the National Electrical Code, as amended.
 - l. No sign of any type or any foundation or vertical support thereof shall be placed in or over any dedicated street, highway, sidewalk, or in any utility drainage easement except as excluded.
 - m. No advertising signs shall be allowed on trash receptacles.
 - n. No attached sign shall extend more than eighteen (18) inches beyond the surface to which it is attached, except approved marquee signage.

- o. The placing of banners across the street is prohibited, except those locations authorized by the City of Tullahoma in cooperation with Tullahoma Utility Board.
 - p. Signs which are not expressly permitted by this chapter.
2. **Obstructions.** No signs, nor any means of supporting or staying such signs, shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.
 3. **Terminated activity.** Signs which advertise a terminated activity, business, products or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided, however, that where premises are temporarily vacant, such sign face may remain in place for not more than sixty (60) days from the date the vacancy began, or properly maintained.
 4. **Unlawful cutting of trees and shrubs.** No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the city or state, whichever is appropriate.

SECTION 704

NON-PERMANENT (Temporary/Portable) SIGNS

Temporary signs shall be in accordance with the following sections;

1. **Real estate signs.** Real estate signs shall be permitted in all zoning districts, subject to the following limitations:
 - a. Real estate signs located on a single residential lot shall be limited to one sign, not greater than 4 feet in height and 6 square feet in area.
 - b. Real estate signs advertising the sale of lots located within a subdivision shall be limited to one sign per entrance to the subdivision, and each sign shall be no greater than 32 square feet in area nor 8 feet in height. All signs permitted under this section shall be removed within 10 days after sale of the last original lot.
 - c. Real estate signs advertising the sale or lease of space within commercial or industrial buildings shall be no greater than 32square feet in area nor 8 feet in height, and shall be limited to one sign per street front.
 - d. Real estate signs advertising the sale or lease of vacant commercial or industrial land shall be limited to one sign per street front, and each sign shall be no greater than 8 feet in height, and 32 square feet for property of 10 acres or less, or 100 square feet for property exceeding 10 acres.
 - e. Real estate signs shall be removed not later than 10 days after execution of a lease agreement in the event of a lease, or the closing of the sale in the event of a purchase.

- f. To be placed only on the property for sale or lease. No signs allowed in right-of- ways or off-site signs. **Exception: Open Houses Only: A maximum of four (4) directional signs not more than four (4) square feet in area are allowed between the hours of 8:00am Friday until 8:00pm Sunday.**

2. Auction signs. Auction signs shall be permitted in all zoning districts, subject to the following limitations:

- a. Auction signs located on a single lot shall be limited to one sign, not greater than 16 square feet in area.
- b. A maximum of 4 directional signs not to exceed 16 sq. ft. each advertising the auction may be placed on Private Property with permission of the property owner, or in the Public Right-of-Way with approval of the Planning Department of the City of Tullahoma
- c. No sign shall be placed advertising the sale of any real, or personal property not located within the Planning Area of the City of Tullahoma. **Exception: Signs may be placed advertising sales outside the City of Tullahoma’s Planning Area by Real Estate and Auction Companies that have a physical, licensed, active office located within the city limits of Tullahoma.**
- d. No sign shall be placed advertising an auction more than (fourteen) 14 days prior to the auction and must be removed no more than three (3) days after the conclusion of the auction.
- e. No riders, banners, lights, flags or other items may be added to any sign other than a SOLD banner may be placed on the sign after the sale. (Maximum of three (3) days.)
- f. All Off-Premises Auction Signs must be logged as installed by the Planning Department of the City of Tullahoma, or they will be immediately removed by the Director.

3. Development and construction signs. Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:

- a. Such signs on a single residential lot shall be limited to one sign, not greater than 4 feet in height and 6 square feet in area.
- b. Such signs for a residential subdivision or multiple residential lots shall be limited to one sign, at each entrance to the subdivision or on one of the lots to be built upon, and shall be no greater than 8 feet in height and 32 square feet in area.
- c. Such signs for nonresidential uses in residential districts shall be limited to one sign, and shall be no greater than 8 feet in height and 32 square feet in area.
- d. Such signs for commercial or industrial projects shall be limited to one sign per street front, not to exceed 8 feet in height and 16 square feet for projects on parcels 5 acres or less in size, and not to exceed 8 feet in height and 32 square feet for projects on parcels larger than 5 acres.
- e. Development and construction signs may not be displayed until after the issuance of construction permits by Director, and must be removed not later than 24 hours following issuance of an occupancy permit for any of all portions or the project.

4. **Special promotion, event and grand opening signs.** Signs temporarily displayed to advertise special promotions, events and grand openings shall be permitted for nonresidential uses in a residential district, and for all commercial and industrial districts subject to the following limitations:
 - a. Such signs shall be limited to one sign per street front.
 - b. Such signs may be displayed for not more than 30 consecutive days in any 3-month period, and not more than 60 days in any calendar year. The signs shall be erected no more than 10 days prior to the event or grand opening, and shall be removed not more than 3 days after the event or grand opening.
 - c. The total area of all such signs shall not exceed 50 square feet in any single-family residential district, 50 square feet in any multiple-family residential district and 100 square feet in any commercial or industrial district.

5. **Special event signs in public ways.** Signs advertising a special community event shall not be prohibited in or over public rights-of-way, subject to approval by the Board of Mayor and Aldermen as to the size, location and method of erection. The Board of Mayor and Aldermen may not approve any special event signage that would impair the safety and convenience of use of public rights-of-way, or obstruct traffic visibility.

6. **Portable signs.** Portable signs shall be permitted only in the Commercial and Industrial Districts, as designated in the zoning ordinance, subject to the following limitations:
 - a. No more than one such sign may be displayed on any property, and shall not exceed a height of 8 feet nor an area of 100 square feet.
 - b. Such signs shall be displayed not more than 30 days in any calendar year.
 - c. Any electrical portable signs shall comply with the NEC Electrical Code, as adopted in this jurisdiction.
 - d. No portable sign shall be displayed prior to obtaining a sign permit.

7. **Political signs.** Political signs shall be permitted in all zoning districts, subject to the following limitations:
 - a. Such signs shall not exceed a height of 6 feet nor an area of 32 square feet.
 - b. Such signs for election candidates or ballot propositions shall be displayed only for a period of 60 days preceding the first day voting is allowed and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.
 - c. Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.
Exception: A temporary sign placed by an on-site resident in a residentially zoned area, may be placed in the right-of-way that they maintain. However, said sign shall not obstruct drainage or impair the use of the right-of-way for public purposes.
 - d. Political Signs during the period listed in Section “b” above are exempt from fines during this period.

8. **Yard Sale Signs.** Yard sale signs shall be permitted in all zoning districts, subject to the following limitations:
 - a. Such signs shall not exceed a height of 4 feet or an area of 4 square feet.
 - b. A maximum of two (2) directional signs, not exceed a height of 4 feet or an area of 4 square feet, are allowed to be placed in the right-of-way, with the permission of the property owner who occupies the property behind the ROW, between the hours of 7:00am Friday and must be removed no later than 8:00 pm on Sunday of the same week.

SECTION 705

ON-PREMISE PERMANENT SIGN REQUIREMENTS

1. **Number of signs.** Except as authorized by this section, it shall be unlawful to have more than one (1) freestanding sign on a lot of record, except for entrance signs and subdivision signs.
Exceptions:
 - a. If the lot of record is bordered by two (2) public streets that do not intersect at the boundaries of the lot (double frontage lot), then one (1) freestanding sign shall be permitted on each side of the development that borders a public street.
 - b. Additional freestanding signs for multi-tenant developments in the General Commercial (C-2) District are allowed at a rate of one (1) sign per every five hundred (500) linear feet of street frontage along a collector or arterial street as classified in the Tullahoma Major Thoroughfare plan.
2. **Signable area for signs.** On-premise signs shall be permitted as to size, at 3 square feet per 1 foot of building frontage. When the number of signs listed is greater than one, the size set forth shall be for each sign unless otherwise indicated.
3. **Spacing.** There shall be one hundred (100) feet minimum spacing between freestanding signs on the same lot and fifty (50) feet minimum spacing between freestanding signs on adjacent lots of record.
4. **Location.** All permanent signs shall be set back at least five (5) feet from the street right-of-way, unless otherwise specified by this article. No permanent sign shall be located within a public utility or drainage easement, without written approval from the affected agencies. Permanent signs shall be located at least ten (10) feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required. No signs shall be permitted within any median which is within a public right-of-way or within any 10/70 sight distance triangle.
5. **Minimum Clearance:** Where a freestanding or ground sign projects over a vehicular traffic area, such as a private street, driveway or parking lot, the minimum clearance between the bottom of the sign and the ground shall be fourteen (14) feet.
6. **Permitted signs.** On-premise signs shall be allowed in Nonresidential districts. Entrance signs and subdivision signs may be located in Nonresidential and Residential districts.

7. **Entrance signs.** All entrance signs shall be placed on private property and may not be placed in the right-of-way, except in a center median based on the following criteria:
 - a. The sign has two (2) faces;
 - b. The location has been approved by the City Engineer; and
 - c. Applicant agrees to be responsible for maintenance and repair of the entrance sign and ensures that the existence of the entrance sign is documented on the final plat for the development.

8. **Subdivision signs.** All subdivision signs shall be placed on private property and may not be placed in the right-of-way, except in a center median based on the following criteria:
 - a. the sign has two (2) faces;
 - b. the location has been approved in writing by the City Engineer; and
 - c. the applicant agrees in writing to be responsible for maintenance and repair of the entrance sign and ensures that the existence of the entrance sign is documented on the final plat for the development

SECTION 706

OFF-PREMISE PERMANENT SIGN REQUIREMENTS

No Permanent Off-Premise signs are allowed in any zoning district of the City of Tullahoma except as follows:

1. Billboards will be permitted only on numbered State Highways in C-2, General Commercial and I-1, Restricted Manufacturing and Warehousing Districts.
2. Billboards will be spaced at a distance of 2000 feet from any existing billboard structure.

SECTION 707

SIGN MAINTENANCE

1. **Scope** - All portions of new and existing signs shall be maintained in such manner that structural strength, stability, sanitation, and safety to life and property from fire and other hazards are provided for public safety, health and general welfare.
2. **Structure** - The sign structural system shall be maintained structurally sound with no evidence of deterioration, and capable of supporting the wind load which is assigned by the building code.
3. **Premises** - All area around signage must be maintained in accordance with city standards.

SECTION 708

NON-CONFORMING SIGNS AND OTHER PROVISIONS

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or non-complying as per definitions. Nonconforming signs shall be classified as "grand-fathered" signs, and shall be removed only when the Director utilizing certain appropriate sections of the International Building Code, the City Code of Tullahoma, and/or various provisions of this ordinance deem such signs as being dilapidated and constituting a definite health hazard to the public, however, that any advertising sign located within 660 feet of a federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law.

SECTION 709

REMOVAL OF NON-CONFORMING SIGNS SIGNAGE BY DIRECTOR

Nonconforming, snipe, hand tacked signs, and signs in a public right-of-way shall be removed immediately. Nonconforming flashing or animated signs shall be caused to stop flashing or animation immediately.

SECTION 710

PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE

The failure to do anything required by this ordinance and the doing of anything prohibited by this ordinance are hereby declared to be unlawful and subject to the general penalties provisions found in the Code of Ordinances for the City of Tullahoma, and the State Of Tennessee.

SECTION 711

APPEALS

A person shall have the right to appeal a decision of the Director to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Director within 20 days after the notice was served.

Zoning District	Type of Sign	Structural Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height	Additional Regulations
ON-PREMISE SIGNS—PERMANENT						
All Residential Districts (R) and Open Space District (OS)	On-premise sign for subdivisions and multi-family developments	Median Sign	1 per street	20 sq. ft. per sign face	6 ft.	Permit required. Must not interfere with sight triangle. No internal illumination
		Monument sign	2 per street entrance to subdivision or multi-family project			
Agriculture (A)	Other signs for residential uses	Wall signs for home occupation	1 per street front	1.5 sq. ft.	under eave of building	Permit required. No internal illumination
Commercial & Industrial	On-premise sign	Freestanding sign	1 per street frontage, additional sign may be allowed on lots that front on two (2) streets that do not intersect.	3 square feet per 1 foot of building frontage	Pole Sign: 25ft Monument Sign: 10 ft.	Permit required. 5 ft. minimum setback from right-of-way. Internally or externally illuminated
			additional signs may be allowed at a rate of 1 per 500 feet of collector or arterial street frontage in the C-2 District only.			
		Wall, awning, marquee, or projecting sign	any number of signs not to exceed max, total sign area and only 1 projecting sign per business	10% of each exterior wall fronting on a public street	under eave or parapet; awning, marquee, window or projecting sign	Permit required. Internally or externally illuminated
	Entrance sign (Parks or Office Complex)	Monument sign	2 per entrance	64 sq. ft. each side of sign (Limited to 4 sides)	10 ft.	Permit required 5 ft. minimum setback from right-of-way. Internally or externally illuminated
PUD	Per approved final PUD plan/Requires Master Signage Plan. If PUD approval does not address signs, then sign regulations for equivalent district, as determined by the Planning Commission shall apply.					

ARTICLE IX

PLANNED UNIT DEVELOPMENT

SECTION 901

GENERAL

901.1 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.

901.2 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 902

CONDITIONS

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

902.2 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.

902.3 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.

902.4 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.

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

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

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

902.5 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 Board of Mayor and Aldermen.

902.6 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.

902.7 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.

902.8 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 903 PLANNING COMMISSION DETERMINATION

903.1 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 Board of Mayor and Aldermen.

SECTION 904 REQUIRED CONTRIBUTIONS

904.1 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 905

PLANNING COMMISSION ACTION

905.1 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.

905.2 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 X

ADMINISTRATION AND ENFORCEMENT

SECTION 1001

ORGANIZATION

1001.1 Director of Planning & Codes (or designee). The provisions of this ordinance shall be administered by the Director of Planning & Codes. The Director of Planning & Codes shall administer and enforce this ordinance and in addition shall:

1. Receive and file all applications for map amendments, text amendments, use reviews, variances or other matters on which the Planning Commission and the Board of Zoning Appeals are required to act under the provisions of this ordinance.
2. Conduct onsite inspections as prescribed by this ordinance, and such other inspections as are necessary to insure compliance with the provisions of this ordinance.
3. Issue and renew where applicable all sign permits and temporary use permits; make and maintain records thereof.
4. Review development plans, subdivision plats, occupancy permits and building permits for compliance of this ordinance.

1001.2 Tullahoma Planning Commission. The Tullahoma Municipal-Regional Planning Commission, for the purposes of this ordinance shall be referred to as the Planning Commission. The Planning Commission shall:

1. Establish such rules of procedure as are necessary to the performance of its functions hereunder.
2. Study and report all proposed amendments to this ordinance including amendments to the official zoning map; further, review annually this ordinance and on the basis of such review, suggest amendments thereto.

1001.3 Board of Zoning Appeals. The Tullahoma Municipal-Regional Planning Commission shall serve as the Tullahoma Board of Zoning Appeals as provided in Section 13-7-205 of Tennessee Code Annotated, and shall consist of seven (7) members whose terms shall coincide with their respective terms on the Planning Commission. The Board of Zoning Appeals shall have the following powers:

1. It shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by the code administrator in

carrying out any provision of this or any other zoning ordinance enacted by the Board of Mayor and Aldermen of the City of Tullahoma.

2. To hear and decide, in accordance with the provisions of any such ordinance, a request for interpretation of the official zoning map.
3. Where there is practical difficulties or unnecessary hardship in carrying out the strict letter of this ordinance, the Board of Zoning Appeals shall have the power in passing upon appeal, to authorize such variances from the terms of this ordinance as will not be contrary to the public interest in conforming with the standards set forth in Section 2 of this Article.
4. Review and decide all applications for "Uses permitted on review" in accordance with Article V, Section 3, and this Article.
5. To call on any department for assistance in its duties; and it shall be the duty of such departments to render all such assistance as may reasonably be required.
6. To advise attendance of witnesses at hearings and to administer oaths.
7. To hold at least one (1) scheduled meeting per month and give proper notice of such meeting as required by law.

SECTION 1002

VARIANCES

The 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.

1002.1 Application: After written denial of a building permit from the building inspector, a property owner may make application for a variance, using forms available in the building and planning department.

1002.2 Public Hearing: Upon receipt of an application and fee, the board shall hold a public hearing, having first given a ten (10) day 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.

1002.3 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.

1002.4 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.

SECTION 1003

BUILDING PERMIT

1003.1 General Requirements. A building permit shall be obtained from the Planning & Codes Department 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.

2. 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).
3. 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.
4. A development permit shall be submitted and approved by the Tullahoma Public Works Department before a building permit will be issued for properties within a Special Flood Hazard Area or a regulatory floodway.

1003.2 Specific Requirements: The Director of Planning & Codes 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 with the following:
 - 1) Drawn to a scale not less than one (1") inch to one hundred (100') feet.
 - 2) A north arrow; a vicinity map with a north arrow; a scale bar
 - 3) Tax map, group and parcel number(s); Address
 - 4) The plan date and plan revision number.
 - 5) Owner's name, address, and telephone number (email address);
 - 6) The name, address, telephone number and email address of the design professional and/or surveyor responsible for preparation of the site plan.
 - 7) The names of adjoining property owner(s) or subdivisions.
 - 8) Existing zoning of the site and adjoining properties.
 - 9) Shape, dimensions, and size of lot(s) (In square footage if less than one (1) acre)
 - 10) Bearings and distances of all lot lines, right-of-ways, and easements
 - 11) Building setback lines.
 - 12) Location, size, height, and dimensions of proposed and existing building(s).
 - 13) Number of units and density per an acre. (Multi-Family Development)
 - 14) Proposed use and projected number of employees.

- 15) All existing and proposed easements, rights-of-way, street widths and names of streets. Location, dimensions, and types of easements.
 - 16) Existing and proposed contours at a one-foot vertical interval.
 - 17) Location of all proposed driveways and entrances, including width and radius dimensions.
 - 18) Off-street parking area layout including ADA parking spaces and loading spaces.
 - 19) Provide the number of parking spaces required and provided.
 - 20) The location & dimensions of required sidewalk (only collector or arterial streets).
 - 21) Show percentage of impervious surface.
 - 22) Location, dimensions, and sizes of all signs.
 - 23) Dumpster pad location and size. (Note if carts are to be used instead).
 - 24) Locations and size of all existing and proposed utilities (water, sewer, electric, telephone, cable, fiber, etc.)
 - 25) Fire hydrant location(s), fire department connection, and fire lane access and dimensions (if applicable).
 - 26) The location of all water courses on or adjoining the lot.
 - 27) Flood Note / Floodplain information from FEMA FIRM maps and studies.
- B. Landscaping plan meeting the minimum requirements of the Zoning Ordinance and the Stormwater Ordinance.
- 1) Position of fences, walls, or plantings to be utilized for screening (materials specific).
- C. Stormwater management plan with drainage calculations. (Bond must be posted.)
- D. Proposed drainage detention areas with calculation, complete stormwater detention agreement form.

SECTION 1004

CERTIFICATE OF OCCUPANCY

No new building shall be occupied or given a permanent utility connection (e.g., water, sewer, electrical, gas) unless it meets the provisions of this ordinance.

SECTION 1005

PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW

The following procedure is established to integrate properly the "Uses permitted on review" with other land uses located in any district. These uses shall be reviewed by the Board of Zoning Appeals which is authorized by T.C.A § 13-7-207. The Board may approve or reject a request under the following procedures:

1. **Application:** An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended use of the site and any other material pertinent to the request which the Board of Zoning Appeals may require.
2. **Public Hearing.** Upon application, the Board of Zoning Appeals shall give a ten (10) day notification of a public hearing. Such notice giving time and place of such hearing shall be published in a newspaper of general circulation to the City of Tullahoma.
3. **Restrictions.** In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed use of buildings as it may deem advisable in the furtherance of the general purposes of this ordinance.
4. **Denial.** The Board of Zoning Appeals may deny a use on review where it can be shown that approval would have adverse impact on the character of the neighborhood in which the site is located. The rationale for the Board of Zoning Appeals denial including substantive, factual statements of adverse impact shall be included in the minutes of the Board of Zoning Appeals meeting where denials are made.
5. **Effective Periods of Approval-Issuance of a Conditional Use Permit.**
 - A. Board of Zoning Appeals approval shall become effective thirty (30) days from the date of the public hearing at which approval is granted.
 - B. No building permit shall be issued prior to the effective date of approval.
 - C. The building permit shall be issued subject to all conditions and requirements stipulated by the Board of Zoning Appeals.
6. **Validity of Plans.** All approved plans, conditions, restrictions, and rules made part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
7. **Time Limit and Notification.** All applications for "Uses permitted on review" shall be decided within forty-five (45) days of the date the application was filed, and the applicant shall be provided with a written notice of approval or denial.

SECTION 1006

AMENDMENTS

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.

1. **Application.** Amendments initiated by the property owner or by his designated representative or by an authorized city agency or Board of Mayor and Aldermen shall be

initiated by the filing of an application with the Director of Planning & Codes. Applications shall be available in the office of Planning & Codes during normal business hours.

2. Public Hearing:

- A. Upon receipt of such application, the Director of Planning & Codes 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 & Codes or other authorized city agencies, and the standards provided for amendments.
- B. Prior to holding such public hearing, the Planning Commission shall have first given a five (5) day notice of such hearing by one publication in a newspaper of general circulation.
- C. 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.
- D. The Director of Planning & Codes 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.

3. Report 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 & Codes 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.

4. Time Limits. All amendments initiated by application filed with the Director of Planning & Codes 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.

- 5. Standards for Amendments.** A proposed amendment shall be considered on its own merits using the following criteria as a guide.
- A. Amendments to official zoning map. The following conditions shall be met for all amendments:
 - i. The proposed amendment shall be necessary because of substantially changed or changing conditions in the area and districts affected, or in the city generally.
 - ii. The proposed amendment shall be consistent with the intent and purposes of this ordinance.
 - iii. 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.
 - B. Errors or oversights as may be found in the ordinance as originally adopted shall be corrected under the normal amendment procedure.

SECTION 1007

PENALTIES

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.

SECTION 1008

VALIDITY

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.