

City of Tullahoma

# Zoning Ordinance



Prepared by:  
Planning & Codes Department  
Adopted: November 2, 2009

<b>Amendments</b>	<b>Date</b>	<b>Articles &amp; Sections</b>
Ordinance No. 1410	02.28.2011	
Ordinance No. 1415	04.17.2015	Section 404
Ordinance No. 1464	08.08.2016	Articles II & Section 603
Ordinance No. 1465	08.22.2016	Article IV: Table TZ-1
Ordinance No. 1466	08.22.2016	Sections 503 & 509
Ordinance No. 1468	12.12.2016	Articles II & Section 604
Ordinance No. 1469	12.12.2016	Article VII: Sign Regulations
Ordinance No. 1473	02.13.2017	Section 505: Landscaping Requirements
Ordinance No. 1480	05.22.2017	Section 501: Off-Street Parking
Ordinance No. 1484	07.24.2017	Articles IX & X: PUD & Administration
Ordinance No. 1491	08.28.2017	Articles IV & VII: Districts and Sign Regulations
Ordinance No. 1495	01.08.2018	Section 705: Free Standing Signs
Ordinance No. 1501	06.03.2018	Article VII: Sign Table
Ordinance No. 1510	10.08.2018	Article VIII: Nonconforming Provisions
Ordinance No. 1514	12.17.2018	Article IV: Neighborhood Commercial District
Ordinance No. 1517	02.25.2019	Article II, IV, V, & VI: Independent Senior Living Facility
Ordinance No. 1518	02.25.2019	Section 501.1.3 Part 5: Location and setback of parking areas
Ordinance No. 1524	08.13.2019	Article II: Definitions & Section 404: Commercial Districts
Ordinance No. 1526	08.26.2019	Article II: Definitions & Section 503: Accessory Uses and Structures
Ordinance No. 1527	09.09.2019	Article IX-Planned Development District Overlay
Ordinance No. 1528	09.09.2019	Article III and IV-R-1A Large Lot Residential
Ordinance No. 1539	05.11.2020	Article II, IV, VI: Microbrewery, Micro-distillery, and Micro-winery

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# ***ZONING ORDINANCE FOR THE CITY OF TULLAHOMA, TENNESSEE***

## **ARTICLE I TITLE, PURPOSE, AND ENACTMENT**

### **SECTION 101 TITLE**

#### **ORDINANCE NO. 1392**

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

### **SECTION 102 SHORT TITLE**

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

### **SECTION 103 PURPOSE**

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

And,

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

### **SECTION 104 ENACTMENT**

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

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

**ARTICLE II DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CAREGIVER.** An adult who provides care for a mentally or physically impaired person within this state, and who is related by blood, marriage, or adoption to, or shall be the legally appointed guardian of, the mentally or physically impaired person for whom the adult is caring.

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

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

**COMMERCIAL, LIGHT.** An establishment or business that generally has retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense

uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.

**COMMERCIAL CENTER, COMMUNITY.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket.

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

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

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

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

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

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

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

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

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

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

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

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



**DRINKING ESTABLISHMENT** - an establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. If the facility also sells food and the sale of food products represent more than fifty percent (50%) of the facility's total sales, the facility shall be considered a restaurant. (Bars and Pubs)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**INDEPENDENT SENIOR LIVING FACILITY.** A residential use to house older persons who are not infirmed. Independent living residential services may include meals, housekeeping, social programs, daily maintenance and other services. An independent senior living facility is intended to be residential in character and is expected to general lower levels of impact than traditional residential units. Independent care facilities may be part of a continuing care retirement community.

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

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

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

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

**LEGISLATIVE BODY.** The political entity of the adopting jurisdiction.

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

**LOT.** A single parcel of land.

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

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

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

**MENTALLY OR PHYSICALLY IMPAIRED PERSON.** A person who is a resident of this state and who requires assistance with two (2) or more activities of daily living, as certified in writing provided by a physician licensed under Title 63, chapter 6 or 9.

**MICRO-BREWERY.** A facility for the production and packaging of malt beverages of alcoholic content for wholesale distribution, with a capacity of fewer than 15,000 barrels per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on-site and purchase beverages manufactured on-site and related items. Brewery facilities that exceed this capacity are considered light industrial uses light manufacturing.

**MICRO-DISTILLERY.** A facility for the production and packaging of alcoholic spirits in quantities not to exceed twelve 12,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on-site and purchase beverages manufactured on-site and related items. Distillery facilities that exceed this capacity are considered light industrial uses light manufacturing.

**MICRO-WINERY.** A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room for consumption on-premises. A tasting room allows customers to taste/consume products manufactured on-site and purchase beverages manufactured on-site and related items. Wineries that exceed this capacity are considered light industrial uses light manufacturing.

**MOBILE HOME.** A movable living unit designed for year-round occupancy having no foundation other than wheels, jacks, or skirting, and which is capable of being moved, towed or transported by another vehicle. Sometimes referred to as a trailer home.

**MOBILE HOME PARK.** Any area, tract, site or plot of land whereupon a minimum of two (2) mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**MOBILE HOME SPACE.** A plot of ground within a mobile home park which is designed for and designated as the location for two (2) automobiles and one mobile home and not used for any other purposes whatsoever other than customary accessory use thereof.

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

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

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

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

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

**NONCONFORMING USE.** See “Use, nonconforming.”

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

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

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

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

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

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

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

**POOLS (SWIMMING), HOT TUBS AND SPAS.**

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

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

Hot tub. See “Private swimming pool.”

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

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

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

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

Private swimming pool, outdoor. Any private swimming pool that is not an indoor pool. Public swimming pool. Any swimming pool other than a private swimming pool.

Spa. See "Private swimming pool."

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

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

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

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

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

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

**RECREATION, INDOOR.** An establishment providing completely enclosed recreation activities. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theatres, and related amusements.

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

**RECREATIONAL VEHICLE.** A vehicular unit that is designed to be used primarily for recreational purposes. Examples include, but are not limited to, travel trailers, motor homes, boats, snowmobiles, and jet skis. Recreational vehicles shall include any mobile structure designed for temporary occupancy but shall not include mobile homes or manufactured homes. Recreational vehicle shall also include any trailers related to the main vehicle.

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

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

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

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

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

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

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

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

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

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

**SHIPPING CONTAINER.** A unit originally or specifically used or designed to store goods or merchandise during shipping or hauling by land, sea, or air transportation.

**SIGN.** An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

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

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

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

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

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

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

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

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

**TEMPORARY BUILDING OR STRUCTURE.** A building or structure not intended for human occupancy that is capable of being moved without doing structural damage to said building. These buildings will be accessory buildings or structures to the main occupancy of the property, (i.e., open detached carports, mini-storage sheds (not to exceed 120 sq ft), dog houses, etc..) All temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

**TEMPORARY FAMILY HEALTHCARE STRUCTURE** a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that: (A) Is primarily assembled at a location other than its site of installation; (B) Is limited to one (1) occupant who shall be the mentally or physically impaired person; (C) Has no more than three hundred (500) gross square feet; and complies with applicable provisions of Title 68, chapter 120, part 1, and codes adopted by the city pursuant to title 5. Placing the temporary family healthcare structure on a permanent foundation shall not be permitted.

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

**TOWNHOME OR TOWNHOUSE.** A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof with a yard or public way on at least two (2) sides. Townhouses (townhomes) shall not be more than three stories above grade plane in height. Sometimes referred to as Row Houses.

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

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

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

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

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

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

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

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

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

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

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

## **ARTICLE III ZONING DISTRICTS AND MAP**

### **SECTION 301 ESTABLISHMENT OF ZONING DISTRICTS**

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

#### **AGRICULTURAL**

A General Agricultural District

#### **OPEN SPACE**

OS-1 Open Space Preservation District

#### **RESIDENTIAL**

R-1 Low Density Residential District

R-1A Large Lot Residential District

R-2 Medium Density Residential District

R-3 High Density Residential District

R-4 High Density Residential/ Mobile Home Park District

#### **COMMERCIAL**

C-1 Central Commercial District

C-2 General Commercial District

C-3 Neighborhood Commercial District

#### **INDUSTRIAL**

I-1 Restricted Manufacturing and Warehousing District

I-2 Heavy Industrial District

#### **FLOODWAY**

Floodway District

#### **AIRPORT**

AO-1 Airport Overlay District

#### **HISTORIC OVERLAY**

HO-1 Historic Overlay District

### **SECTION 302 OFFICIAL ZONING MAP**

The location and boundaries of the zoning districts established by the ordinance are bounded and defined as shown on the map entitled "Zoning Map of the City of Tullahoma." The said map is made part of this ordinance by reference, and upon its introduction and passage is an effective and operative part thereof.

The said map adopted by this ordinance is not included herein, but is on file and available for public inspection in the office of the director of planning. The zoning map shall hereafter be kept and maintained by the Tullahoma Municipal-Regional Planning Commission in the office of the director of planning and shall be available for inspection and examination by members of the general public at all reasonable times as any other public record.



## **SECTION 303 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

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

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

## **ARTICLE IV SPECIFIC DISTRICT REGULATIONS**

### **SECTION 401 GENERAL AGRICULTURAL DISTRICT (A)**

- A. Allowable Agricultural (A) District uses shall be:  
Any agricultural use, including, but not limited to, dwellings, maintenance/storage buildings and other such uses necessary for the principal use.
- B. Uses Permitted upon review. The following uses may be permitted in Agricultural District (A) on review by the Board of Zoning Appeals:  
Accessory uses (including, but not limited to, amusement rides, office buildings, retail buildings and dwellings necessary for the maintenance of the principal use), and Temporary Uses.
- C. General.  
The minimum area, setbacks, density and maximum height shall be as prescribed in Table TZ-1.

### **SECTION 402 OPEN SPACE PRESERVATION DISTRICT (OS-1)**

- A. Allowable Open Space (OS-1) District uses shall be:  
Any public park land or other similar recreational use, any preservation area where there should be no construction allowed and land would be set aside for natural habitat for animals, plants and natural features.
- B. Uses Permitted upon review. The following uses may be permitted in OS-1 District on review by the Board of Zoning Appeals:  
Accessory uses (including, but not limited to, amusement rides, office buildings, retail buildings and dwellings necessary for the maintenance of the principal use) and Temporary Uses.

C. Prohibited Uses

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

D. General.

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

## **SECTION 403 RESIDENTIAL DISTRICTS (R)**

A. Allowable Residential (R) Districts uses shall be:

R-1. The following uses are permitted in the Low-Density Residential District (R-1): Single-family dwellings, buildings accessory to single family dwelling uses (including private garages and accessory living quarters), and temporary buildings.

R-1A. The following uses are permitted in the Large Lot Residential District (R-1A): Single-family dwellings, buildings accessory to single family dwelling uses (including private garages and accessory living quarters), and temporary buildings.

R-2. The following uses are permitted in the Medium-Density Residential District (R- 2): Any use permitted in R-1 District and two-family dwellings.

R-3. The following uses are permitted in High-Density Residential District (R-3): All uses permitted in R-2 District, multi-family dwellings, such as apartment houses, boarding houses, townhouses, condominiums and congregate residences.

R-4. The following uses are permitted in Mobile Home Park/ High-Density Residential District (R-4): All uses permitted in the R-3 district and mobile home parks (refer to Section 604).

B. Uses permitted upon review. The following uses may be permitted in a Residential District on review by the Board of Zoning Appeals:

1. Churches or similar places of worship, with accessory structures.
2. K-12 Schools, and colleges, public and private
3. Parks, playgrounds and ball fields.
4. Country Clubs with minimum 9 hole golf courses having a total land area of not less than 50 acres, but not miniature golf courses or driving ranges for commercial use.
5. Police & Fire Department Stations
6. Public and Governmental Services
7. Public Libraries
8. Public Parking Lots
9. Independent Senior Living Facility (R-3 and R-4 Districts only). *See Section 605 for Special Regulations.*
10. Temporary Uses

C. Uses prohibited.

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

D. General.

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

## **SECTION 404 COMMERCIAL DISTRICTS (C)**

Allowable Commercial (C) District uses shall be:

- A. C-1. The following uses are permitted in the Central Commercial District (C-1):
  - 1. Business or financial services
  - 2. Commercial retail sales and services
  - 3. Drinking establishments
  - 4. Family and group day care facilities
  - 5. Public Libraries
  - 6. Public services
  - 7. Public utility stations
  - 8. Restaurants (excluding fast food)
  - 9. Microbrewery, micro-distillery, and micro-winery
  
- B. C-2. The following uses are permitted in the General Commercial District (C-2):
  - 1. Any uses permitted in C-1 District, and
  - 2. Automotive sales
  - 3. Automotive motor fuel dispensing facilities
  - 4. Automotive Repair (Minor and Major)
  - 5. Automotive self-service motor fuel dispensing facilities
  - 6. Contractors business offices such as building, electrical, plumbing, paint, termite and pest control with all activities within a completely enclosed building, except as provided below in Subsection E- "Supplemental Landscaping and Screening Requirements"
  - 7. Commercial printing and publishing
  - 8. Commercial schools
  - 9. Community commercial centers
  - 10. Convenience commercial centers
  - 11. Cultural institutions (such as museums and art galleries)
  - 12. Fast food restaurants
  - 13. Fitness centers
  - 14. Group care facilities
  - 15. Hospitals
  - 16. Hotels and motels (excluding other residential occupancies)
  - 17. Indoor Recreation
  - 18. Light commercial
  - 19. Minor automotive repair
  - 20. Mortuary and funeral homes
  - 21. Neighborhood commercial centers
  - 22. Outdoor Recreation
  - 23. Rehabilitation centers
  - 24. Religious, cultural and fraternal activities
  - 25. Theaters
  - 26. Microbrewery, micro-distillery, and micro-winery
  
- C. C-3. The following uses are permitted in the Neighborhood Commercial District (C-3):
  - 1. Single-family dwelling
  - 2. Two-family dwelling
  - 3. Townhomes or Townhouses
  - 4. Multi-family developments
  - 5. Accessory buildings and uses customarily incidental to any permissible use.
  - 6. Bed and Breakfast establishments
  - 7. Boarding houses
  - 8. Business or financial services
  - 9. Commercial retail sales and services

10. Community Centers
11. Congregate residences
12. Convenience store with gasoline pumps.
13. Dry cleaning pick-up (no dry cleaning allowed).
14. Family and Group Daycares
15. Gyms and fitness centers
16. Funeral Homes
17. Government offices and services
18. Laundromats
19. Libraries
20. Medical offices, healthcare and medical services
21. Places of worship
22. Public utility station and public services.
23. Restaurants; eating or drinking establishments
24. Schools (private and public)(primary and secondary)

D. Uses permitted upon review.

The following uses may be permitted in the Commercial Districts on review by the Board of Zoning Appeals:

1. C-1 District:
  - a. Accessory uses, necessary for the maintenance of the principal use.
  - b. Convenience Commercial Centers
  - c. Schools (private and public)(primary and secondary)
  - d. Dwelling units permitted, except on the story or basement abutting street grade.
  - e. Hotels
  - f. Religious, cultural and fraternal activities
  - g. Parking Lots (principal use)
  - h. Temporary uses
2. C-2 District:
  - a. Regional Commercial Centers
  - b. Schools (private and public)(primary and secondary)
3. C-3 District:
  - a. Home Occupations
  - b. Parking Lots (Principal use)
  - c. Microbrewery, micro-distillery, and micro-winery

E. Uses prohibited.

1. C-1 District:
  - a. Adult-oriented establishments as defined in TCA 7-51-140 shall be prohibited.
  - b. Automobile sales lots
  - c. Automotive motor fuel dispensing facilities,
  - d. Automotive self-service motor fuel dispensing facilities,
  - e. Minor or major automobile repair
  - f. Self-storage warehouses
  - g. Any uses permissible by right or review in the I-1 and I-2 district
2. C-2 District:
  - a. Adult-oriented establishments as defined in TCA 7-51-140 shall be prohibited.
  - b. Dwellings units

3. C-3 District:
  - a. Adult-oriented establishments as defined in TCA 7-51-140 shall be prohibited.
  - b. Minor or major automobile repair
  - c. Automobile sales lots
  - d. Self-storage warehouses
  - e. Any uses permissible by right or review in the I-1 and I-2 districts

F. Area Regulations in the C-3 District:

The following requirements shall apply to all uses permitted in this district:

1. On the same premises, a single-family dwelling unit for occupancy by the owner of the commercial use may be established as well as other uses and structures which are customarily accessory and clearly incidental to permitted principal commercial use.
2. Minimum Commercial Lot Area: 5,000 square feet
3. Minimum Residential Lot Area: Any building used in whole or in part for a residence shall comply with the requirements of the R-3 residential district for minimum lot area per dwelling unit.
4. Front yard: All buildings shall set back from the street right-of-way lines not less than thirty-five (35) feet.
5. Side yard: All buildings and accessory structures shall be set back not less than ten (10) feet except that the width of the side yard which abuts a residential district shall be not less than twenty (20) feet.
6. Rear yard: There shall be a rear yard, alley, service court, or combination thereof, of not less than thirty (30) feet in depth, and all of the service areas of all buildings shall be completely screened from public view with plant materials or fencing. Where rear yard adjoins a residential district, such rear yard shall be not less than thirty-five (35) feet and shall include an evergreen buffer strip at least six (6) feet in height.
7. Maximum lot coverage: No building or buildings, parking and loading areas, accessory buildings, and driveways shall cover more than seventy percent (70%) of the lot area.
8. No building shall exceed thirty-five (35) feet in height.

G. Supplemental Landscaping Requirements in the Commercial (C) Districts:

1. Open storage of material and equipment incidental to a permitted use in a Commercial Districts (C), provided that all such open storage shall:
  - a. Conform to the setback required for principal buildings in the C-2.
  - b. Be screened from all adjoining properties and public rights-of-way to a minimum height of six (6) feet with one of the following:
    - (1) A chain-link fence with inserted lattice which blocks the vision.
    - (2) An evergreen hedge which blocks the vision.
    - (3) A masonry wall.
    - (4) Any other proposed screen approved by the Planning Commission.
  - c. The above screening requirements do not apply to materials and equipment stored on a construction site where such materials and/or equipment are to be used, or to the storage of commercial vehicles.
2. In the C-3 District:

Beyond Article VII, all buildings (except single-family dwellings), structures, and parking areas shall be permanently screened from adjoining residential districts and lots used for single-family dwellings within the C-3 district which abut the side and/or rear property lines by a masonry wall or solid wooden fence a minimum of six (6) feet in height or a continuous evergreen hedgerow that when planted is a minimum of four (4) feet in height with a mature height of at least six (6) feet in height.

## **SECTION 405 INDUSTRIAL DISTRICTS (I)**

### **A. Allowable Industrial (I) District uses shall be:**

#### **I-1. The following uses are permitted in Restricted Industrial and Warehousing District (I-1):**

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing except dyeing and finishing of textiles.
3. Apparel and other finished products, and fabrics, leather, and similar materials manufacturing.
4. Furniture and fixtures manufacturing.
5. Printing, publishing and allied industries.
6. Stone, clay, and glass products manufacturing.
7. Fabricated metal products manufacturing except ordinance and accessories.
8. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
9. Electrical appliances and equipment assembly.
10. Wholesaling and warehousing enterprise.
11. Building materials storage and sales.
12. Offices which are directly related to the industrial function.

### **B. I-2. The following uses are permitted in Heavy Industrial District (I-2):**

Any use permitted in the I-1 District, provided, however, that no residential use, except sleeping facilities required by caretakers or night watchmen employed on the premises shall be permitted in an I-2, Heavy Industrial District.

Any of the following uses.

1. Lumber and wood products manufacturing.
2. Lots or yards for scrap or salvage operations or for processing, storage, display or sales of any scrap or salvage materials.
3. Automobile wrecking, salvage, and junk yards.
4. Meat products manufacturing.
5. Dyeing and finishing of textiles.
6. Tanning.
7. Chemicals and allied products manufacturing.
8. Petroleum and refining and related industries.
9. Rubber and miscellaneous plastic products manufacturing.
10. Primary metal industries.
11. Mining activities and related industries.
12. Concrete or cement products manufacturing.
13. Buildings, structures, and uses accessory and customarily incidental to any of the above uses.
14. Off-premise advertising signs as related to Article VII.
15. In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like and not allowed in any other district, provided, however, that any use not specified herein shall be approved by the Board of Zoning Appeals.
16. Buildings, structures, and uses accessory and customarily incidental to any of the above uses.

### **C. Uses permitted upon review.**

I-1. The following uses may be permitted in the I-1 District on review by the Board of Zoning Appeals:

1. Other uses of the same general character as those listed above deemed appropriate by the Board of Zoning Appeals.

D. I-2. The following uses may be permitted in the I-2 District on review by the Board of Zoning Appeals:

1. Acid manufacture.
2. Blast furnace or coke oven.
3. Distillation of bones.
4. Explosives, manufacturer or storage.
5. Fat rendering, except as an incidental use.
6. Fertilizer manufacture.
7. Glue manufacture.
8. Paper and pulp manufacture.
9. Municipal or joint (municipal/county) owned and/or operated or private sanitary landfill facility, solid waste management facility, balefill and/or fill facilities, baling facility, separation facility, and related and accessory uses as regulated in Article.
10. All other similar uses which the Board of Zoning Appeals declares to be special uses.
11. Recycling facility (except Automobile Scrap Yards).
12. Temporary Uses

E. Uses prohibited in I-1 and I-2 Districts.

I-1. The following uses are prohibited in the I-1 District:

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

F. I-2. The following uses are prohibited in the I-2 District:

Dwelling units, including hotels and motels; elementary and high schools, public or private; churches and places of worship; and any retail use or services.

G. General.

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

## **SECTION 406 FLOODWAY OVERLAY ZONE**

A. Allowable Floodplain Overlay (FO-1) zone uses: **Please see “Tulahoma Stormwater Ordinance.”**

## **SECTION 407 AIRPORT OVERLAY ZONE**

**A. Allowable Airport Overlay (AO-1) zone uses shall be:**

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

Accordingly, it is hereby declared:

1. that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Tullahoma Regional Airport; and that it is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
2. It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interest in land.
3. Applicability -- The Airport Overlay District (AO-1) shall act as an overlay on the official zoning map and the underlying district shall apply except as herein modified.  
**EXCEPTION:** Property under the jurisdiction of the Tullahoma Municipal Airport Authority shall be zoned AO-1. The Tullahoma Airport Authority, through its Chairman or designee, shall make a recommendation to the Planning Commission regarding any proposed construction within the AO-1 zone. Any recommendation to disapprove must include written justification. Failure to provide a recommendation to the Planning Commission will be considered as a neutral (neither approve nor disapprove) recommendation.
4. General Requirements -- Within the Airport Overlay District (AO-1) the following requirements shall apply:
  - a. This District shall act as an overlay on the official zoning map. The regulations contained in this section shall apply to such land in addition to the regulations contained in the underlying zoning district for such land. Where there is a conflict between the provisions of this section and those of the underlying zoning district, the zone containing the more restrictive height regulations shall apply.
  - b. The provisions of this section shall apply to any new use and any substantial improvement to an existing structure, when such uses and structures are located in the airspace zones established by this section.
  - c. If a structure or tree is located in more than one of the zones established by this section, the zone containing the more restrictive regulations shall apply to such structure or tree.

## **B. Airport Zones.**

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

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

1. **Utility Runway Visual Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at the horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Utility Runway Non-Precision Instrument Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface.



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

### C. Airport Zone Height Limitations.

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

1. **Utility Runway Visual Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. **Utility Runway Non-Precision Instrument Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. **Runway Larger than Utility Visual Approach Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
  - a. Runway Larger than Utility with a Visibility Minimum Greater than  $\frac{3}{4}$  Mile Non-Precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

- b. Runway Larger than Utility with a Visibility Minimum as Low as ¾ Mile Non-Precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 4. **Precision Instrument Runway Approach Zone** - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- 5. **Transitional Zones** - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,082 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
- 6. **Horizontal Zone** - Established at one hundred fifty (150) feet above the airport elevation or at a height of 1,232 feet above mean sea level.
- 7. **Conical Zone** - Slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation or a height of 1,432 feet above mean sea level.

#### **D. Land Use Safety Zoning.**

- 1. Use restrictions --
  - a. Subject at all times to the height restrictions set forth in Section C, no use shall be made of any land in the approach zone, the horizontal zone, the conical zone or transition zone, as defined in Section B which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, take off, or maneuvering of aircraft.
  - b. It should be made clear that the land lying within the various zones is not in itself zoned but portions of the airspace above the land as defined in the height limitations.
  - c. Nothing in this ordinance shall be construed as prohibiting the growth, construction or maintenance of any trees or structure to a height up to fifty (50) feet above the surface of the land.
- 2. Safety Zone Boundaries - In order to carry out the purpose of this ordinance, as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Tullahoma Municipal Airport, Tullahoma, Tennessee, and furthermore to limit population and building density in the critical airport areas, thereby creating sufficient open space so as to protect life and property in case of an accident, there is hereby created and established the following land use safety zones:
  - a. Approach Zones - All land in the approach zones of a runway, as defined in Section B, 1 through 6, of this ordinance.
  - b. Approach/Departure Zone -- Subject at all times to the height restrictions set forth in Section C, and to the general restrictions contained in Section D.2.a. area designated as Approach Zones shall be restricted to the following uses permitted in the following zoning classifications:  
A, Agriculture District,

R-1, Low Density Residential District;  
C-1, Central Commercial District,  
C-2, General Commercial District,  
I-1, Restricted Manufacturing and Warehousing Industrial, and  
I-2, Heavy Industrial District,

including those uses permitted in each said district as uses permitted with a conditional use permit, however, that in no event shall public or private educational facilities, hotels and motels, places of assembly including churches, auditoriums, theatres, and the like, or hospitals and other institutional occupancies (restrained or non-restrained) shall be permitted. The following uses are specifically prohibited in the Approach/Departure Zone: Duplexes, townhouses, apartment buildings, and mobile home parks.

#### **E. Airport Zoning Map.**

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

#### **F. Non-Conforming Uses**

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

#### **G. Variance.**

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

#### **H. Permits.**

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

**I. Hazard Marking and Lighting.**

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

**J. Amendments.**

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

**K. Airport Zoning Administrator.**

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

**SECTION 408 HO-1 Historical Overlay District.**

**A. General description and purposes.**

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

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

**B. Creation of historic districts.**

Upon the creation of an historic district, the boundaries shall be shown on the zoning map or on special overlays thereto which are made a part of this section and may be viewed upon request at the office of the planning department. No structure shall be constructed, altered, repaired, moved, or demolished in any historic district unless the action has been reviewed with the requirements set forth in this section. The Historic Overlay District(s) shall be shown as an Overlay on the Official Zoning Map.

**C. Creation of a regional historic zoning commission.**

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

- 1. Appointment to the historic zoning commission.** The mayor of the City of Tullahoma shall appoint the representative of the Tullahoma Historical Society, the member of the Board of Mayor & Aldermen, one member of the Municipal Planning Commission, one member who is a licensed architect, and the other member shall be from the general public, all subject to confirmation by the Board of Mayor & Aldermen.
- 2. Term of appointment, removal, and vacancies.** The members of the historic zoning commission shall serve for three-year terms, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one member, but not more than two (2) members shall expire each year. The term of the member nominated from the municipal planning commission shall be concurrent with the term on the planning commission, and the term of members from the local legislative bodies shall be concurrent with the terms on the local legislative body. All members shall serve without compensation and may be removed from membership by the appointing authority for just causes. Any member being so removed shall be provided, upon request, a public hearing on the removal decision before the Board of Mayor & Aldermen. Vacancies on the historic zoning commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member. Vacancies shall be filled within a period of sixty (60) days following their occurrence. The commission may adopt rules and regulations consistent with the provisions of this part.
- 3. Election of officers, rules and meetings.** The historic zoning commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order for conducting meetings and establish regular meeting dates.
- 4. Conflict of interest.** Any member of the historic commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the historic zoning commission in connection therewith
- 5. Powers and duties of the historic zoning commission.** The historic zoning commission may submit and it shall review applications for amendments to this section designating historic sites or buildings for special historic districts. A historic district or zone shall be defined as a geographically definable area which possesses a significant concentration,

linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria:

- a. That it is associated with an event which has made a significant contribution to local, state, or national history;
- b. That it includes structures associated with the lives of persons significant in local state or national history;
- c. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- d. That it has yielded or may be likely to yield archaeological information important in history or prehistory;
- e. That it is listed in the National Register of Historic Places; (Acts 1982 (Adj. S.), ch. 814, 1.); or
- f. That it addresses the cost of acquisition by city and/or county governments, restoration, maintenance and repair, as applicable.

**6. Additional powers and duties of the historic zoning commission.**

- a. It shall be the duty of the historic zoning commission to make the following determination with respect to historic districts:
  - (1) Appropriateness of altering or demolishing any building or structure within the historic district. The commission may require exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any recommendation to demolish a building or structure.
  - (2) Appropriateness of exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the historic district.
  - (3) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way, which might affect the character of any building or structure within the historic district.
  - (4) The general exterior design, arrangement, texture, material, color of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic zoning commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.
- b. It shall also be the responsibility of the commission to review all proposed nominations to the National Register of Historic Places for properties within the jurisdiction of the City of Tullahoma. A report of the commission's recommendations in this regard will then be forwarded to the Tennessee Historical Commission/State Historic Preservation Office.
- c. The commission shall also have the authority to conduct surveys of local historical and cultural resources and will maintain a list of districts and individual properties that have been designated historic pursuant to local legislation.
- d. The commission shall also have the authority to request that the Board of Mayor and Aldermen establish reasonable fees in regard to applications for certificates of appropriateness.

7. **Right of entry upon land.** The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this section, but there shall be no right of entry into any building without the consent of the owner.
8. **Liability of historic zoning commission members.** Any historic zoning commission member acting within the powers granted by this section is relieved from all personal liability for any damage and shall be held harmless by the city and county governments. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the City of Tullahoma, until the final termination of the procedure.
9. **Submittal of building permit to the historic zoning commission.** The Director of Planning & Codes shall not issue any permit for the construction, reconstruction, alteration, or extension of building or other structure within any historic zone district, nor shall any other agency issue a permit for the demolition or removal of any building or other structure within said district without first submitting the application for such permit together with all exterior plans, elevations, and other information necessary to determine the appropriateness of the features to be passed upon by the historic zoning commission and a recommendation sent to the Planning Commission. In the case of applications for demolition, no plans or other information shall be required to be submitted by the applicant.
10. **Meetings on application.** The historic zoning commission shall meet within fifteen (15) days after notification by the Director of Planning & Codes of the filing of an application relating to a historic district or a nomination to the National Register.
11. **Approval by the historic zoning commission.** Upon recommendations of any application, the historic zoning commission shall forthwith transmit a report to the Director of Planning & Codes stating the basis upon which such recommendation was made. Upon failure of the historical zoning commission to take final action within thirty (30) days after receipt of the application, the case shall be deemed a favorable recommendation, except when mutual agreement has been made for an extension of the time limit. When a recommendation has been issued, a copy thereof shall be transmitted to the Director of Planning & Codes who shall, from time to time, inspect the construction or alteration of the exterior approved by such certificate, and report to the regional historic zoning commission any work not in accordance with the approved plans, before issuing a certificate of occupancy being issued.
12. **Disapproval by the historic zoning commission.** In the case of a non-favorable recommendation of any application, the historic zoning commission shall state the reasons therefore in a written statement to the applicant, in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such recommendation and a copy of the written statement of reasons therefore shall also be transmitted to the Director of Planning & Codes and forwarded to the Planning Commission.
13. **Approval of removal or demolition.** In the event an application for removal or demolition or redevelopment of a building or other structure within an historic district is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the historic zoning commission, and said commission shall have a period of one hundred twenty (120) days from the date the application was filed to acquire such property. Upon failure of the historic zoning commission to take final action within one hundred twenty (120) days after the filing of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.

- 14. Appeals from decision of the historic zoning commission.** Appeals from any decision of the historic zoning commission may be made to the municipal planning commission by the filing of an appropriate resolution. Nothing in this section shall be interpreted as giving the historic zoning commission any authority to consider, review, examine or control the use of property classified as an historic zoning district. Use shall be controlled solely by the zoning controlling such property prior to its classification as an historic district or as may be rezoned by subsequent amendments.
- 15. Public comment.** All meetings of the commission shall adhere to the Tennessee Open Meetings Act (TCA sec. 8-44-101, et seq.) Further, the commission will provide opportunity for public comment during the press of the commission's review of the National Register nominations as well as its consideration of local zoning applications.
- 16. Further reporting.** The commission shall send all annual reports of its activities to the Tennessee Historical Commission/State Historic Preservation Office.



# TABLE TZ-1: Area & Yard

ZONING DISTRICTS	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage (%)	Maximum Building Height <sup>1</sup>	Yard Setbacks			
					Front <sup>2</sup>	Front (Local Road) <sup>3</sup>	Side <sup>4</sup>	Rear <sup>4</sup>
A-1	5 Acres	NA	25	35 feet	35 feet	NA	35 feet	35 feet
OS-1	2 Acres	200 feet	5	35 feet	50 feet	NA	20 feet	50 feet
R-1								
Single Family Dwelling:								
with public sewer	12,000 sq.ft.	75 feet	30	35 feet	35 feet	25 feet	10 feet	25 feet
without public sewer	20,000 sq.ft.	100 feet	25	35 feet	35 feet	25 feet	10 feet	25 feet
R-1A								
Single Family Dwelling	2 Acres	200 feet	25	35 feet	50 feet	NA	30 feet	30 feet
R-2:								
Single Family Dwelling	10,000 sq.ft.	75 feet	30	35 feet	35 feet	25 feet	5 feet	25 feet
Two Family Dwelling	20,000 sq.ft.	125 feet	35	35 feet	35 feet	25 feet	10 feet	25 feet
R-3:								
Single Family Dwelling	7,500 sq.ft.	50 feet	25	35 feet	35 feet	25 feet	5 feet	25 feet
Two Family Dwelling/ Townhouse	7,500 sq.ft. per unit	125 feet	30	50 feet	35 feet	25 feet	10 feet	25 feet
Multi-Family	3,000 sq.ft. per unit	150 feet	35	50 feet	50 feet	NA	20 feet	35 feet
R-4:								
Single Family Dwelling	7,500 sq.ft.	50 feet	25	35 feet	35 feet	25 feet	5 feet	25 feet
Two Family Dwelling/ Townhouse	7,500 sq.ft. per unit	125 feet	30	50 feet	35 feet	25 feet	10 feet	25 feet
Multi-Family	3,000 sq.ft. per unit	150 feet	35	50 feet	50 feet	NA	20 feet	35 feet
Mobile Home Park	2.5 Acres	NA	NA	15 feet	35 feet	NA	25 feet	25 feet
Mobile Home Park Spaces	3,000 sq.ft. per space	30 feet	75	15 feet	10 feet	NA	10 feet	10 feet

## TABLE TZ-1 (Continued)

ZONING DISTRICTS	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage (%)	Maximum Building Height <sup>1</sup>	Yard Setbacks		
					Front <sup>2</sup>	Side <sup>4</sup>	Rear <sup>4</sup>
C-1	NA	NA	NA	50 feet	5 feet	None	None
C-2	NA	NA	80	35 feet	35 feet	10 feet	10 feet
C-3:							
Commercial Use	5,000 sq. ft.	NA	70	35 feet	35 feet	10ft <sup>6</sup>	30ft <sup>7</sup>
Single-family	7,500 sq. ft.	50 feet	70	35 feet	35 feet	10ft <sup>6</sup>	30ft <sup>7</sup>
Two-family/ Townhome	7,500 sq. ft. per unit	125 feet	70	35 feet	35 feet	10ft <sup>6</sup>	30ft <sup>7</sup>
Multifamily	3,000 sq. ft. per unit	150 feet	70	35 feet	35 feet	10ft <sup>6</sup>	30ft <sup>7</sup>
I-1	NA	NA	80	50 feet	35 feet	15ft <sup>5</sup>	25ft <sup>5</sup>
I-2	NA	NA	75	50 feet	50 feet	15ft <sup>5</sup>	25ft <sup>5</sup>

1. For any structure to be built at a height greater than the maximum building height will require a variance from the Board of Zoning Appeals; all towers 40ft or greater will require a tower permit from the Planning Commission

2. See Section 509 of this Ordinance

3. Local Road as classified in the Tullahoma Comprehensive Transportation Plan

4. 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.

5. The side and/ or rear setback(s) in any industrial (I) zoning district shall be fifty (50) feet when abutting a residential ( R ) zoned lot.

6. All buildings and accessory structures shall be set back not less than ten (10) feet except that the width of the side yard which abuts a residential district shall be not less than twenty (20) feet.

7. Where rear yard adjoins a residential district, such rear yard shall be not less than thirty-five (35) feet and shall include an evergreen buffer strip at least six (6) feet in height.

# ARTICLE V GENERAL PROVISIONS

## SECTION 501 MINIMUM OFF-STREET PARKING, ACCESS, & DRIVEWAY REQUIREMENTS

### A. OFF-STREET PARKING REQUIREMENTS:

1. General requirements in Residential Areas (excluding multi-family developments):
  - a. Residential off-street parking space shall consist of a parking lot, driveway, turn-around, garage or carport, or combination thereof and shall be located on the lot to which it is intended to serve.
  - b. In residential areas, the parking or storage of motor vehicles, recreational vehicles, boats and/or trailers in the front and side yards shall be upon a driveway or parking area constructed of concrete, asphalt, gravel or any other material commonly used for parking of vehicles, but not including grass or dirt.
  - c. In residential areas, the parking or storage of recreation vehicles, boats and/or trailers shall be prohibited in the front yard area.
  - d. Residential areas. No buses, trucks with three (3) or more axles, dump trucks, delivery vehicles, trailers over thirty (30) feet in length, heavy equipment, or more than one (1) sale vehicle shall be parked or stored in residential areas. Parking and loading requirements for commercial and industrial activities shall be met on land zoned for such activities.
2. General requirements for Nonresidential and Multi-Family Uses:
  - a. Any lot once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
  - b. Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than herein after required for similar new building or use.
  - c. The storage of merchandise, motor vehicles for sale, or the repair of vehicles on required off- street parking facilities is prohibited.
  - d. Within the Central Commercial District (C-1), the requirements for on-site or contiguous parking and loading is waived.
  - e. Wherever parking is required by this section no building permit shall be issued prior to approval of entrance to affected city streets and/or state highways by the appropriate city and/or state transportation department.

- f. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately. In cases of dual functioning of off-street parking where operating hours do not overlap. The owners of both properties must enter into a Shared Parking Agreement.
- g. In any determination of parking requirements as set forth in this section, where the resultant figure contains a fraction, any fraction less than one-half (1/2) may be dropped and any fraction one-half (1/2) or more shall be counted as one (1) parking space.
- h. All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.
- i. In commercial districts, the City of Tullahoma may require joint access agreements be established between commercial developments and may require connected drive aisles and parking lots be provided between the facilities. This requirement would provide for improved circulation of vehicles between developments and prevent the need for vehicles to access public streets for entering an adjacent site.

### 3. Location and setback:

- a. All off-street parking required in section shall be located on land owned by, or under long-term lease to the owner or owners of the principal use it is intended to serve. Where a long-term lease is involved such lease shall be approved by the city attorney prior to approval of parking plans and issuance of a building or occupancy permit.
- b. Off-street parking for other than residential use shall be either on the same lot or within four hundred (400) feet of the building or complex it is intended to serve measured from the nearest building within the complex to the nearest point of the off-street parking lot, without crossing any major thoroughfare; provided, however, churches may establish joint parking facilities not to exceed fifty percent (50%) of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located not to exceed four hundred (400) feet from the church sanctuary. The owners of both properties must enter into a Shared Parking Agreement.
- c. Where a parking lot serving a permitted use in a non-residential zoning classification abuts a residential district, there shall be established a minimum setback line for the parking lot of five (5) feet unless from such side lot lines and rear lot lines unless otherwise required in the various zoning district classifications.
- d. Where parking is to be provided for multi-family residential development projects there shall be established a setback of five (5) feet from the property line for all parking areas. The area located between the parking area and the property line shall be referred to as a buffer strip and shall be planted with trees, shrubs and grass in accordance with landscaping regulations contained in this ordinance.
- e. Except in the C-1 District, whenever the parking lot is ten (10) feet or closer to any property line a physical barrier shall be provided to prevent encroachment of any portion of parked vehicle over the property line.

4. Number of parking spaces required. The number of parking spaces provided shall meet the following minimum requirements:
  - a. The minimum number of parking spaces for each use is listed in Parking Tables 1-4.
  - b. For buildings and uses not listed in the parking tables, the off-street parking requirements shall be determined by the Planning Commission. The planning staff will evaluate information prior concerning the traffic impact of the intended use of the property and make a recommendation to the Planning Commission.
5. Requirements for design of off-street parking spaces/lots; except for parcels of land devoted to one- and two-family residential uses:
  - a. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle can extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks.
  - b. Parking areas shall be graded to avoid ponding and surfaced with asphaltic, concrete or other type dustless surface except in the I-1 and I-2 districts.
  - c. Each parking space in a parking area with asphaltic, concrete or other type dustless surface shall be no less than one hundred sixty-two (162) square feet in area with minimum dimensions of not less than nine (9) feet in width and eighteen (18) feet in depth. *Parallel parking space* shall have minimum dimensions of not less than nine (9) feet in width and twenty-two (22) feet in depth. All parking spaces shall be striped with either white or yellow colored traffic paint.
  - d. Parking areas that are not provided with concrete or asphalt surfaces shall:
    - (1) Be graded and surfaced with crushed stone, gravel, or other suitable material as suggested by the Public Works Department to provide a stable surface;
    - (2) Be maintained to manage dust and erosion;
    - (3) Have perimeters clearly defined with bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved with concrete or asphalt for a distance of fifteen (15) feet back from the edge of the street pavement.
    - (4) The City Engineer may authorize the use of alternate parking surfaces after finding the surface to provide equivalent or better safety, dust control, convenience and durability.

- e. Parking area aisle widths shall conform to Parking Aisle Table which varies the width requirement according to the angle of parking.

<b>PARKING AREA AISLE TABLE</b>					
Parking Angle	0°	30°	45°	60°	90°
One-Way Traffic	15'	15'	15'	18'	24'
Two-Way Traffic	20'	20'	20'	24'	24'

6. Accessible parking spaces. Accessible parking spaces and passenger loading zones shall be provided in accordance with the most current ADA Standards for Accessible Design. One (1) of every six (6) accessible parking spaces, or fraction thereof, must be “van-accessible.”

Total Number of Parking Spaces in Parking Facility(Lot or Garage)	Minimum Number of Accessible Parking Spaces Required
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1000	2% of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

## B. DRIVEWAY REQUIREMENTS.

The purpose of this subsection is to promote the safety of present and future vehicular and pedestrian traffic in the community.

1. **The number of driveways:** The number of driveways shall be based upon the amount of lot frontage a parcel of land has directly adjoining a public street. The number of driveways onto a given street shall be as follows:

<b><u>Amount of Lot Frontage (see note a)</u></b>	<b><u>Maximum Number of Driveways</u></b>
<b>Less than 75 feet</b>	<b>1</b>
<b>75 feet to 149 feet</b>	<b>1 (see note b &amp; c)</b>
<b>150 feet to 299 feet</b>	<b>2 (see note b)</b>
<b>Each additional 300 feet</b>	<b>1 (see note b)</b>

Notes:

- a. In the case of corner or double front lots, each individual street and its associated lot frontage shall be considered separately rather than combined to orient all driveways onto one particular street.
  - b. Single family residences and drive-thru business enterprises whereby a service is provided without the patron leaving the vehicle may have two (2) driveways if separated by a distance equal to the width of the widest driveway or a minimum of twenty-five (25) feet, whichever is greater, unless otherwise not permitted by the department of public works due to concern for public safety.
  - c. Unless otherwise determined by the department of public works.
2. **All driveways shall be located subject to the following controls:**
    - a. Except by way of approved driveways, access from or egress to a public road from a parking area shall be expressly prohibited.
    - b. No driveway shall be constructed within thirty (30) feet of an adjacent street right-of-way line. On collector or arterial streets this minimum shall be forty (40) feet; or in such a manner that the driveway curb cut is less than five (5) feet from the point of tangency of a street radius except that a compound curve including both the driveway radius and street radius may be utilized where the street radius exceeds fifty (50) feet. A reduction of up to ten (10) feet in any or all dimensions may be allowed by the Department of Public Works at locations where such reduction would not result in a hazardous condition.
    - c. All driveway radii at the point of intersection with the public street shall be set back from the side property line a minimum of one (1) foot as measured by the extension of the side property line into the right-of-way at a right angle to the paved surface with the exception of joint use driveways where written consent from both property owners is provided to the Department of Public Works.

**3. Required Widths of Driveways.**

The width of all driveways shall be within the minimum and maximum dimensions as follows:

Land Use	Driveway		Length of Curb Cut	
	Minimum	Maximum	Minimum	Maximum
Residential	10 feet	24 feet	16 feet	40 feet
Non-Residential:				
Commercial	16 feet	30 feet	36 feet	70 feet
Industrial	16 feet	40 feet	36 feet	90 feet
Uses served by a substantial number of large trucks (5 or more per day)	20 feet	40 feet	60 feet	70 feet

*Major traffic generators defined as those uses and facilities utilizing in excess of 150 parking spaces shall be reviewed on an individual basis by the department of public works to determine appropriate entrance driveway requirements in relation to traffic generated by the use or facility.*

- a. Any parcel of land in which the driveway configuration including width, radius, and positioning is contrary to these provisions and becomes vacant and remains unoccupied for a continuous period of one (1) year shall be required to remove and modify said driveways into conformance with applicable provisions.

**C. DUMPSTERS/ RECYCLING CONTAINERS.**

Bulk containers, rollout receptacles and recycling containers shall be screened from public streets for all new construction (except single- family and two-family residential dwellings) including improvements to properties whereby the cost of improvements equal or exceed fifty percent (50%) of the structural value. The screening shall consist of materials including masonry, wood, etc. (excluding chain link fences and vinyl). On scheduled pick up days for refuse collection it shall be the responsibility of the owner/tenant of the property to open the front screening to access the containers

**D. OFF-STREET LOADING AND UNLOADING REQUIREMENTS.**

On the same premises with every building, structure, or part thereof, erected and occupied for non-residential uses involving the receipt and distribution of materials or merchandise, there shall be provided and maintained on the site adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleyways.

- 1. Unless otherwise regulated in these regulations, all uses established in non- residential zoning district classifications shall provide adequate off-street loading and unloading space as follows:
  - a. Retail operations and all first floor nonresidential uses, with a gross floor area of less than twenty thousand (20,000) square feet, and all wholesale and light industrial operations with a gross floor area of less than ten thousand (10,000) square feet.
  - b. A loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the use without hindering the movement of pedestrians and vehicles over the public right-of-way.



- c. Retail operations, including restaurant and dining facilities within hotels and office buildings, with a gross floor area of twenty thousand (20,000) square feet or more; One (1) loading berth with minimum dimensions of twelve (12) feet by thirty-five (35) feet and fourteen (14) feet overhead clearance where applicable for every twenty thousand (20,000) square feet of floor area and any fraction thereof in excess of ten thousand (10,000) square feet.
- d. Retail operations and all other uses within shopping center having an aggregate gross leasable area in excess of one hundred thousand (100,000) square feet; One (1) loading berth with minimum dimensions of twelve (12) feet by fifty-five (55) feet and fourteen (14) feet overhead clearance where applicable for every forty thousand (40,000) square feet of floor area.
- e. Office buildings and hotels with a gross floor area of fifty thousand (50,000) square feet or more; One (1) loading berth with minimum dimensions of twelve (12) feet by fifty-five (55) feet and fourteen (14) feet overhead clearance where applicable for every fifty thousand (50,000) square feet of floor area and any fraction thereof in excess of twenty-five thousand (25,000) square feet.
- f. Industrial and wholesale operations with a gross floor area of ten thousand (10,000) square feet or over shall provide berths no less than twelve (12) feet by fifty-five (55) feet and fourteen (14) feet overhead clearance where applicable in quantities determined by the Planning Commission to be sufficient to allow normal loading without hindering the movements of pedestrians and vehicles over the public right-of-way.

<b>PARKING TABLE 1</b>	
<b>Use</b>	<b>Required Spaces</b>
<b>RESIDENTIAL USES</b>	
Group Care Facility (adult care)	1.0 per employee on largest shift, plus 1.0 per facility vehicle, plus 0.25 per resident
Multi-Family Dwellings	1.5 per dwelling unit, plus 3.5 per 1,000 GFA of leasing office
Single Family Dwellings	2.0 per dwelling unit
Mobile Home	2.0 per mobile home
Mobile Home Park	1.5 per mobile home, plus 3.5 per 1,000 GFA of leasing office
Two Family (Duplex)/ Townhouse (or Townhome)	2.0 per dwelling unit
Fraternities and Sororities	3.3 per 1,000 GFA
Boarding House/ Bed & Breakfast	1.0 per bedroom
Elderly Multifamily Dwelling	1.0 per dwelling unit
Independent Senior Living Facility	0.7 per dwelling unit
<b>AGRICULTURE AND RELATED USES</b>	
Roadside Stand	3.0 per 1,000 GFA
Stable, Public	1.0 per five animal stalls
<b>AUTOMOBILE RELATED USES</b>	
Automotive Self-Service Motor Fuel Dispensing Facility	1.0 per 4 pumps, plus 1.0 per 200 GFA of area for convenience goods and retail
Automotive Service Motor Fuel Dispensing Facility	1.0 per 4 pumps, plus 3.0 per repair bay
Carwash, Conveyor	1.0 per 3 employees, plus stacking for 5 times wash capacity
Carwash, Self service	2.0 spaces per wash bay, plus stacking for 2.0 per wash bay
Mobile Home and Recreational Vehicle Sales	2.0 per 1,000 GFA
Motor Vehicle Sales	2.0 per 1,000 GFA
Automotive Repair (Minor and Major)	1.0 per employee, plus 3.0 per repair bay
<b>COMMUNICATION FACILITIES</b>	
Radio and Television Studio	1.0 per 1,000 GFA
Radio/Television Transmitting/Receiving Facility	1.0 per employee

<b>PARKING TABLE 2</b>	
<b>MEMBERSHIP ORGANIZATIONS</b>	
Cultural and Fraternal Activities	3.3 per 1,000 GFA
<b>PLACE OF ASSEMBLY</b>	
Church/Synagogue (Places of Worship)	0.3 per seat of maximum capacity
Stadium	0.3 per seat
<b>PUBLIC FACILITIES</b>	
Public Service Facilities	1.0 per 500 GFA
Public Utility Facilities	1.0 per employee plus 1 per 1,000 GFA
Correctional Facilities	1.0 per employee plus 1.0 per 25 inmates
<b>EDUCATIONAL USES</b>	
Child Nursery/ Preschool (6 or more)	1.0 per employee, plus 1.0 per facility vehicle, plus 1.0 per 15 children/adult
Elementary and Middle Schools	1.75 per classroom
High School	5.0 per classroom
College/University, Trade, or Vocational School	1.0 per 150 GFA
Museums	3 per 1,000 GFA
Libraries	3 per 1,000 GFA
<b>ENTERTAINMENT</b>	
Movie Theaters, indoor	1.0 per 4 seats
Movie Theaters, outdoor	3.3 per 1,000 GFA plus 1.0 per 30% of the maximum capacity for open uses
Bowling, skating, indoor tennis, pool halls, indoor shooting/firing ranges, indoor paintball, etc.	1.0 per 3 persons of maximum capacity, or if unattainable, then 1.0 per 200 GFA
Amusement Park	by individual review
Circuses/Carnivals/Fairs	by individual review
<b>RECREATIONAL AND CULTURAL USES (INDOOR AND OUTDOOR)</b>	
Recreation Center	3.3 per 1,000 GFA plus 1.0 per 30% of the maximum capacity for open uses
Campground	1.0 per camping space
Golf Course	1.0 per 200 GFA of enclosed area, plus 1.0 per 3 persons of maximum indoor capacity
Driving Range	1.0 per tee plus 1.0 per 200 GFA
Other outdoor recreation	to be calculated based on mix of activities
Art Galleries	3 per 1,000 GFA

<b>PARKING TABLE 3</b>	
<b>RETAIL</b>	
Convenience Goods	1.0 per 200 GFA
Restaurant, no drive through	1.0 per 150 GFA
Restaurant, with drive through	1.0 per 150 GFA, plus Stacking for 5 automobiles in lane
Restaurant, outdoor seating (in addition to above)	1.0 per 4 outdoor seats
Apparel stores	3.5 per 1,000 GFA
Department stores	3.5 per 1,000 GFA
Drinking establishment (pubs and bars)	10.0 per 1,000 GFA
Flea Markets	3.0 per 1,000 GFA
Furniture and home furnishings stores	1.0 per 1,000 GFA
Food Store (supermarket or groceries)	5.0 per 1,000 GFA
Lumberyard	2.0 per 1,000 GFA
Specialty Retail	5.0 per 1,000 GFA
All Other Retail	4.0 per 1,000 GFA
<b>SERVICES</b>	
Banking	2.0 per ATM, plus 4.0 per 1,000 GFA, plus stacking for 5 vehicles per drive thru lane
Business and Professional	3.5 per 1,000 GFA
Hotel/Motel	1.0 per rental room, plus 1.0 per employee on largest shift, plus necessary spaces for subordinate uses
Animal Hospital/Veterinary Clinic	5.0 per 1,000 GFA
Funeral Chapel	0.25 per seat of chapel capacity, plus 0.33 per employee
Funeral Home	1.0 per 100 GFA
Drycleaner	1.0 per 200 GFA
Rental/Leasing of Light Equipment	3.0 per 1,000 GFA
Rental/Leasing of Heavy Equipment	3.0 per 1,000 GFA
Rental/Leasing of Domestic Vehicles	3.0 per 1,000 GFA
Rental/Leasing of Commercial Vehicles	3.0 per 1,000 GFA

<b>PARKING TABLE 4</b>	
<b>MEDICAL USES</b>	
Health/Dental Practitioners' Offices	6.0 per 1,000 GFA
Hospitals	2.0 per bed
Medical and Dental Laboratories	4.0 per 1,000 GFA
Nursing, Convalescent, Extended Care Facilities	0.35 per bed
Rehabilitation Center	4.0 per 1,000 GFA
Sanitarium/Mental Hospital	2.0 per 1,000 GFA
<b>TRANSPORTATION</b>	
Airport	by individual review
Airport Support Uses	by individual review
Bus Terminal	8.0 per 1,000 GFA of waiting area
Railroad Switching Yard	1.0 per employee
Taxi Stand	1.0 per employee
Train Terminal	8.0 per 1,000 GFA of waiting area
Truck Terminal	1.0 per employee
<b>INDUSTRIAL</b>	
Manufacturing, Recycling, Processing, and Assembly	1 per 1,500 GFA of building area
Dry Cleaning Plant	1.0 per employee on largest shift, plus 1.0 per facility vehicle
Publishing and Printing	1.0 per 1,000 GFA
Research Activities	1.4 per employee
<b>OPEN USES OF LAND—HEAVY</b>	
Junkyards	0.5 per employee plus 1.0 per 5,000 sq. ft. of lot area
Landfills	1.0 per employee on largest shift
<b>WAREHOUSING</b>	
Warehouse/Distribution	0.5 per employee on largest shift
Warehouse, Mini	1.0 per employee on largest shift
<b>MISCELLANEOUS</b>	
Adult Uses	3.0 per 500 GFA
Slaughterhouse	1.0 per 1,000 GFA

## SECTION 502 FENCE HEIGHTS

### A. General.

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

TABLE 502.1 MAXIMUM FENCE HEIGHTS

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

## SECTION 503 ACCESSORY USES AND STRUCTURES

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses permitted. In addition to such principal uses, this section shall regulate uses customarily incidental to any principal uses permitted in the district.

### A. GENERAL PROVISIONS:

Each permitted accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, extent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

### B. PERMITTED ACCESSORY USES:

Accessory uses shall be permitted as specified above, and such accessory uses shall be applicable to the principal use of the lot as follows:

1. Residential dwellings:
  - a. Shelter to house pets, *but not exceeding two (2) shelters per dwelling.*
  - b. Children's playhouse and playground equipment.
  - c. Private greenhouse, vegetable, fruit, or flower garden, from which no products are sold or offered for sale.
  - d. Private garage or carport.
  - e. Private swimming pool and bath house.
  - f. Shed for the storage or maintenance of recreation equipment used on the premises.
  - g. Solar panels
  - h. Tennis court.
2. Church, chapel, temple or synagogue:
  - a. Parish house, or residence for the clergymen of the congregation.
  - b. Religious education building or fellowship hall.
3. Educational institutions:
  - a. Stadium, gymnasium, field house, game courts or field.
  - b. Portable classrooms.

4. Golf and country clubs:
  - a. Dwelling for caretaker.
  - b. Maintenance equipment storage shed.
  - c. Pro shop.
  - d. Lounge and dining area.
5. Hospitals and health institutions:
  - a. Staff quarters.
  - b. Laundry; incidental to the principal use only.
  - c. Medical and nursing instructional facilities.
  - d. Chapel.
  - e. Portable testing facilities (temporary).
6. Industrial uses in the industrial districts:
  - a. Offices.
  - b. Cafeteria.
  - c. Watchman's quarters.

#### C. LOCATION OF ACCESSORY BUILDINGS

1. Accessory structures shall occupy the same lot as the principal structure and use.
2. All accessory structures shall be separated from the residential principal and other accessory structures by 10 feet and 20 feet from non-residential principal and accessory structures.
3. Yard Requirements.
  - a. All residential accessory buildings shall be permitted to be located in any portion of the rear yard or side yard. No accessory building shall be located in the front yard.
  - b. Residential accessory structures shall not be located closer than ten (10) feet from any side or rear lot line.
  - c. Nonresidential accessory structures shall not be located closer than ten (10) feet from any side or rear lot line, however if structure abuts a residential district or a residential use, in the C-3 district, the setbacks shall not be less than fifteen (15) feet.

#### D. Shipping containers as storage buildings prohibited.

1. It is the intent of this section to limit, except as provided herein, the placement and use of any shipping container as an accessory building, storage building, or living unit in the Agricultural District (A), Open-space District (OS-1), Neighborhood Business District (C-3), and all Residential Districts (R). This limitation is to protect the public health and safety and the aesthetic quality of the City.
2. No person shall place or cause to be placed or use or permit the use of any shipping container as an accessory building, storage building, or living unit in the Agricultural District (A), Open-space District (OS-1), Neighborhood District (C-3), and all Residential Districts (R). Licensed and bonded contractors may use shipping containers for temporary housing of equipment and materials during construction as authorized by a building permit.

## **SECTION 504 ALLOWABLE PROJECTIONS INTO SETBACKS**

### **A. 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.

### **B. 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.

### **C. Rear yards.**

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

## **SECTION 505 LANDSCAPING REQUIREMENTS**

### **A. 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)

### **B. Enforcement.**

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

### **C. 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.



## **D. 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.**

- a. 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.
- b. 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.tullahomatn.gov/files/recommended-tree-list.pdf>. (also refer to the Tullahoma Tree Ordinance)
- c. 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.
- d. 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.
- e. 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.

- f. **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:

- a. 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.
- b. 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.
- c. 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:

- a. 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.
- b. 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.

**E. 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**

#### **A. 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.

#### **B. 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.

#### **C. 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 & AVAILABILITY OF ESSENTIAL SERVICES**

#### **A. 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 & EXCEPTIONS**

#### **A. 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.

#### **B. 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**

### **A. 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.

### **B. 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**

### **A. General.**

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

### **B. 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**

**A. 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.

### **B. 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 floorarea 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.

### **C. 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**

### **A. 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.

### **B. 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.

### **C. 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.

### **D. 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.

### **E. 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.

## **SECTION 605. INDEPENDENT SENIOR LIVING FACILITIES**

### **A. Provisions.**

1. A use upon review in the R-3 and R-4 Districts only
2. Minimum Lot Area: 20 units per an acre
3. Minimum Lot Width: 150 feet
4. Maximum Lot Coverage: 60%
5. Maximum Building Height: 50 ft. unless otherwise regulated by this Ordinance
6. Front Setback from the street right-of-way: 50 feet
7. Compact parking spaces: In parking areas containing ten (10) or more parking spaces, up to twenty percent (20%) of the parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only. *See Parking Table 1 for minimum parking space count.*

## **SECTION 606. DEVELOPMENT STANDARDS FOR MICROBREWERY, MICRO-DISTILLERY, AND MICRO-WINERY**

- A.** Where production facilities of craft breweries, distilleries, and wineries of 10,000 square feet or less in gross floor area abut to a residential district, a buffer yard per Section 505(D)(4) is required. Production facilities of craft breweries, distilleries, and wineries that are greater than 10,000 square feet in gross floor area must be separated from residential districts by 200 feet, as measured on a straight line from lot line to lot line.
- B.** All malt, vinous, or distilled liquor production must be within completely enclosed structures.
- C.** Loading areas in a newly constructed facility cannot be located on the side of any building facing a residential district. Where such district abuts on all sides of the lot, these loading areas must be screened by a solid wall or opaque fence with a minimum height of six feet to a maximum of eight feet, in addition to any required landscape buffer.
- D.** Service doors in a newly constructed facility facing an adjacent residential district must be screened by a solid wall or opaque fence with a minimum height of six feet to a maximum of eight feet, in addition to any required landscape buffer.
- E.** For adaptive reuse of existing buildings, newly constructed loading areas and service doors should be located to minimize any impact on surrounding public streets. Existing loading areas and services doors should be screened to the extent feasible from view from any adjacent residential districts.

**F. Development standards for Microbrewery, micro-distillery, and micro-winery in the C-3 District.**

1. No outdoor storage shall be permitted;
2. All malt, vinous or distilled liquor production shall be within completely enclosed structures;
3. Loading areas shall not be oriented toward a public street, nor shall loading docks be located on the side of any building facing an adjacent zone district primarily for residential uses. Where these districts or streets abut all sides of the property, the loading areas shall be screened by a solid wall or opaque fence with a minimum height of six (6) feet, in addition to any required landscape buffer.
4. Service doors facing a public street or an adjacent zone district primarily for residential uses shall be screened by a solid wall or opaque fence with a minimum height of six (6) feet, in addition to any required landscape buffer.
5. By-products or waste from the production of the malt, vinous or distilled liquor shall be properly disposed of off the property.

# ARTICLE VII SIGN REGULATIONS

## SECTION 701 GENERAL

### A. 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.

### B. 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 maybe 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.

**SNIFE 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.

### **C. 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**

### **A. 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.

### **B. Signs exempt from sign permit or permit fee requirements:**

1. National, state, city, county flags;
2. Address signs (street number);
3. Portable real estate not to exceed 6 sq. ft. and auction signage not to exceed 16 sq. ft.
4. Government regulatory and directional signage;
5. Holiday decorations installed by the City of Tullahoma or Tullahoma Utilities Authority
6. Name and/or address plaques;
7. Scoreboard and ball field fence signs located inside athletic fields owned by government entity;
8. Signs using glazing (glass) surfaces of buildings except means of egress (i.e. exit doors and openings) that will not be obstructed with advertising;
9. Vehicle signs, except as prohibited in this code;
10. Election campaign signs placed upon private property;
11. Historical markers.
12. Personal expressive signs located on private property, not to exceed 4 square feet.

- C. 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:
1. Site plan indicating the location of building(s), site improvements including parking and landscaping areas, utility service lines, and signage.
  2. 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.
  3. 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.
  4. 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.
- D. Permit fees:**
1. 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).
  2. 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.
  3. 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.
- E. 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.
- F. 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.
- G. Inspections -- Permanent signs.**
1. 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.
  2. 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.
  3. 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.
- H. Inspections--non-permanent** (temporary/portable) signs requiring electrical connection.
1. 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.

2. The property owner shall take appropriate action to insure all wiring and electrical connections are maintained in compliance with applicable provisions.

**I. Computation of sign area, height and power line setbacks.**

1. Sign area. Sign area shall be calculated by the total sign display area.
2. 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.
3. 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.

- J. 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**

- A. Prohibitions and restrictions pertaining to signs.** It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:

1. 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.
2. 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.
3. 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:
  - a. Any sign powered with electricity shall have all wiring and electrical connections comply with applicable provisions of Article 600 of the National Electric Code.
  - b. All bulbs must be present and lit.
  - c. 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.
  - d. Bulbs will be white to prevent possible confusion with emergency vehicle lights.
  - e. 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.
4. Signs attached to a roof structure that extends above the highest point of the roof, except inflatable signs.
5. Signs which are attached or otherwise affixed to trees or other living vegetation.
6. Signage attached to utility poles, structures or other public places.
7. A sign placed in a right-of-way, except regulatory, advisory, or informational signs placed by federal, state, or local governmental authorities.
8. Signs incorporating any noise making device.
9. Temporary signs which violate the temporary sign section.

10. Signs that interfere with any existing warning or instructional sign.
11. 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.
12. 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.
13. No advertising signs shall be allowed on trash receptacles.
14. No attached sign shall extend more than eighteen (18) inches beyond the surface to which it is attached, except approved marquee signage.
15. The placing of banners across the street is prohibited, except those locations authorized by the City of Tullahoma in cooperation with Tullahoma Utility Board.
16. Signs which are not expressly permitted by this chapter.

**B. 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.

**C. 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.

**D. 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;

**A. Real estate signs.** Real estate signs shall be permitted in all zoning districts, subject to the following limitations:

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.**

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

1. Auction signs located on a single lot shall be limited to one sign, not greater than 16 square feet in area.
2. 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
3. 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.**
4. 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.
5. 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.)
6. 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.

**C. 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:

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.



- D. 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:
1. Such signs shall be limited to one sign per street front.
  2. 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.
  3. 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.
- E. 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.
- F. 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:
1. 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.
  2. Such signs shall be displayed not more than 30 days in any calendar year.
  3. Any electrical portable signs shall comply with the NEC Electrical Code, as adopted in this jurisdiction.
  4. No portable sign shall be displayed prior to obtaining a sign permit.
- G. Political signs.** Political signs shall be permitted in all zoning districts, subject to the following limitations:
1. Such signs shall not exceed a height of 6 feet nor an area of 32 square feet.
  2. 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.
  3. 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.**
  4. Political Signs during the period listed in Section “b” above are exempt from fines during this period.
- H. Yard Sale Signs.** Yard sale signs shall be permitted in all zoning districts, subject to the following limitations:
1. Such signs shall not exceed a height of 4 feet or an area of 4 square feet.
  2. 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

**A. Number of signs.** Except as authorized by this section, it shall be unlawful to have more than one 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.

**B. 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.

**C. 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.

**D. 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.

**E. 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.

**F. Permitted signs.** On-premise signs shall be allowed in Nonresidential districts. Entrance signs and subdivision signs may be located in Nonresidential and Residential districts.

**G. 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:

1. The sign has two (2) faces;
2. The location has been approved by the City Engineer; and
3. 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.

**H. 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:

1. the sign has two (2) faces;
2. the location has been approved in writing by the City Engineer; and
3. 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:

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

### **SECTION 707 SIGN MAINTENANCE**

- A. 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.
- B. 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.
- C. 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 there under, 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
<b>ON-PREMISE SIGNS—PERMANENT</b>						
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	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 VIII NONCONFORMING PROVISIONS

## SECTION 801 GENERAL

**A. Purpose.** Zoning regulations established by the adoption of this ordinance or amendments to this ordinance may cause properties and uses which were lawful prior to the adoption of certain regulation to not meet requirements after adoption of the regulations. The purpose of this section is to establish procedures and regulations for the use of those properties or structures which are in conflict with the requirements of this ordinance. It is not the intent of this section to encourage the continuance of nonconformities that are out of character with the standards of the zoning district. It is the intent of this section, however, to allow certain nonconforming situations to continue as legal exceptions to this ordinance.

## SECTION 802 NONCONFORMING USES OF LAND & STRUCTURES.

- A. Authority to continue.** Any lawfully existing nonconforming use of part or all of a structure, or any lawfully existing nonconforming use of land not involving a structure or involving a structure which is accessory to such use of land, may be continued, so long as it remains otherwise lawful, subject to the provisions of subsection 802.2 through 802.7 of this section.
- B. Ordinary repair and maintenance.** Normal maintenance and incidental repair or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of subsections 802.3 through 802.7 of this section.
- C. Extensions.** A nonconforming use shall not be extended, expanded, enlarged, or intensified in such a way except in conformity with this Ordinance except as follows:
  - 1.** A nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- D. Relocation.** No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all the regulations of the zoning district in which such structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use shall thereafter conform to all the regulations of the zoning district in which such uses of land is located after being so relocated.
- E. Change in use.** A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this subsection (802.5), a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and the permitted use shall have commenced and continued for a period of seven days.
- F. Abandonment or discontinuance.**
  - 1.** When a nonconforming one or two family residential use of land or a nonconforming one or two family residential use of part or all of a structure is discontinued or abandoned for a period of three hundred sixty-five consecutive days (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re- established or

resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

2. When a nonconforming multifamily, commercial or industrial use of land or a nonconforming multifamily, commercial or industrial use of part or all of a structure is discontinued or abandoned for a period of thirty consecutive months (regardless of any reservation of an intent not to abandon and to resume such use), such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy of such land or structure shall comply with the regulations of the zoning district in which such land or structure is located.

#### **G. Damage or destruction.**

1. **Nonconforming Residential Use.** In the event that any structure that is devoted in whole or in part to a nonconforming residential use is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the value of such structure immediately prior to such damage, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located. When such damage or destruction is fifty percent (50%) or less of the value of the structure immediately prior to such damage, such structure may be repaired and reconstructed and used for the same purpose as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within twelve months of the date of such damage or destruction.
2. **Nonconforming Commercial or Industrial Use.** In the event that any structure that is devoted in whole or in part to a nonconforming commercial or industrial use is damaged or destroyed, by any means, such structure may be restored provided that the use has not been discontinued or abandon as defined in Section 802.6(2).

### **SECTION 803. NONCONFORMING STRUCTURES.**

- A. **Authority to continue.** Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which such structure is located may be continued so long as it remains otherwise lawful, subject to the provisions of subsections 803.2 through 803.4 of this section.
- B. **Enlargement, repair, alterations.** Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
- C. **Damage or destruction.**
  1. **Nonconforming Residential Structure.** In the event that any nonconforming **residential** structure is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of the value of such structure immediately prior to such damage, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located. When such nonconforming **residential** structure is damaged or destroyed, by any means, by fifty percent (50%) or less of the value of such structure, immediately prior to such damage, such structure may be repaired or reconstructed, provided that such repairs or restorations begin and are diligently pursued to completion within one year of the date of such damage.

**2. Nonconforming Commercial or Industrial Structure.** In the event that any nonconforming commercial or industrial structure is damaged or destroyed, by any means, the extent of more than fifty percent (50%) of the value of such structure immediately prior to such damage, such structure shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located. When such nonconforming commercial or industrial structure is damaged or destroyed, by any means, by fifty percent (50%) or less of the value of such structure, immediately prior to such damage, such structure may be repaired or reconstructed, provided that such repairs or restorations begin and are diligently pursued to completion within one year of the date of such damage.

**D. Relocation.** No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which such structure is located after being relocated.

## **SECTION 804 NONCONFORMING LOTS OF RECORD.**

**A. Lots of Record.** The following provisions shall apply to all existing lots of record:

1. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this zoning ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this zoning ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this zoning ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with the minimum relief.
2. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this zoning ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
3. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined by plat to form one or more building sites meeting the minimum requirements of the district in which they are located.

**B. Exceptions to setback requirements for single-family dwellings.** The front setback requirement of this zoning ordinance for single-family dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth.

In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

**C. Minimum lot size for nonconforming lots of record in a residential district.** Only single-family dwellings shall be permitted to be built on a nonconforming lot of record in a residential district. In no case shall the building inspector or the Board of Zoning Appeals permit any lot in a residential district to be used as a building site for a single-family dwelling which is less than one of the following:

1. six thousand (6,000) square feet in total area,
2. thirty (30) feet in width at its narrowest point
3. a front setback of fifteen (15) feet and a side setback of five (5) feet.



## **SECTION 805 EXECUTIONS FOR REPAIRS PURSUANT TO PUBLIC ORDER.**

Nothing in this section shall be deemed to prevent the strengthening or restoration to a safe condition of a building, structure, or sign in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed buildings, structures, or signs.

## **SECTION 806 NONCONFORMING ACCESSORY USES AND STRUCTURES.**

No use or structure or sign which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use, structure, or sign shall thereafter conform to all the regulations of the zoning district in which it is located.

# ARTICLE IX PLANNED DEVELOPMENT DISTRICT OVERLAY

## SECTION 901 GENERAL.

Purpose and Intent. The purposes of these Planned Development District Regulations are as follows:

- A. To promote flexibility in development design and to permit planned diversification in the location of structures;
- B. To promote the efficient use of land by permitting a planned arrangement of buildings, circulation systems, land uses, and utilities;
- C. To preserve existing landscape features and amenities and to utilize such features in a harmonious fashion;
- D. To encourage the total planning of land tracts consistent with adopted long-range plans;
- E. To permit the use of new and innovative land development techniques while assuring protection of existing adjacent development;
- F. To encourage the functional and beneficial use of open spaces and to preserve natural features of a development site;
- G. To promote the creation of a safe and desirable living environment for residential areas characterized by a unified site and development program;
- H. To permit the creation of a variety of housing types compatible with surrounding development to provide a greater choice of types of environment and living units;
- I. To promote the provision of attractive and appropriate locations for business and manufacturing uses in well-designed developments and the provision of opportunities for employment closer to residences with a reduction in travel time from home to work;
- J. To encourage the revitalization of established commercial centers;
- K. To promote the diversification in the uses permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects;
- L. To encourage design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- M. To promote the significance of architectural and aesthetic improvements and details in atypical developments.

## SECTION 902 PLANNED DEVELOPMENT DISTRICTS.

- A. Planned Residential District (P-R): Any planned development for a land use, uses, or combination of uses permitted by right or by conditional use permit in residential districts as indicated in this ordinance, shall be classified as shown on the official zoning map as a P-R, Planned Residential District. The use “dwelling, multiple-family” may be permitted within the Planned Residential District if approved by the Board of Mayor & Aldermen.
- B. Planned Commercial District (P-C): Any planned development for a land use, uses, or combination of uses permitted by right or by special permit in the C-1 and C-2 as indicated in Article IV of this ordinance shall be classified as and shown on the official zoning map as a P-C, Planned Commercial District.
- C. Planned Industrial District (P-I): Any planned development for a land use, uses, or combination of uses permitted by right or by special permit in the industrial districts as indicated in this ordinance shall be classified as and shown on the official zoning map as a P-I, Planned Industrial District.

- D. Planned Mix-Use District (P-MU): Any planned development consisting of a combination of uses permitted by right or by special permit in a combination of the zoning districts of this ordinance and which does not qualify otherwise as a P-R, P-C, or P-I shall be classified as and shown on the official zoning map as P-MU. The use “dwelling, multiple-family” may be permitted within the Planned Mixed-Use District if approved by the Board of Mayor & Aldermen.

The Planning Director shall make determinations as to the applicable district designation and procedure after the pre-application conference as provided in subsection 904(A) below based upon information submitted for and discussed during said pre-application conference.

## **SECTION 903 GENERAL PROVISIONS FOR PLANNED DEVELOPMENTS.**

- A. Ownership and Division of Land. No tract(s) of land may be considered for or approved as a planned development unless such tract(s) is under the single ownership of a landowner as defined in this ordinance. The holder of a written option to purchase or any governmental agency shall be considered a landowner for purposes of this section. Unless otherwise provided as a condition of approval of a planned development, the landowner of an adopted planned development may divide and transfer parts of such development provided that the transferee shall be obligated to complete each such part, and use and maintain it in strict conformance with the approved planned development.
- B. Waiver of Board of Zoning Appeals Action. No action of the Board of Zoning Appeals shall be required in the approval of a planned development including those activities or uses which would otherwise require conditional use permits as provided by other provisions of this ordinance.
- C. Common Space and Common Elements.
1. Where provided, common space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common space must be appropriate to the scale and character of the planned development, considering its size, density, expected population, topography, and the number and type of dwellings or other buildings to be constructed.
  2. Common space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures or other improvements to be located in the common space must be appropriate and must conserve and enhance the amenities of the common space having regard to its topography and the intended function of the common space.
  3. The development phasing sequence must coordinate construction of improvements. In no event shall occupancy permits for any phase of the planned development be issued unless and until the common space and common elements which are part of that phase have been dedicated, or conveyed and improved, or performance bonds, letters of credit, or other acceptable performance guarantees have been posted to assure completion.
  4. No common space or common elements of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners association or other responsible party unless the Planning Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the intended purpose. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned development, the topography and existing trees, the ground cover, other natural features, and the manner in which the common space is to be improved and maintained for recreational or amenity purposes.

5. The Planning Commission shall not approve a planned development unless adequate provision has been made for continued maintenance of common space or common elements in a manner which assures its maintenance and use for its intended purpose.
- D. Accessibility of Site. All proposed streets, alleys and driveways shall be adequate to serve the residents; occupants, visitors, emergency and sanitation vehicles or other anticipated traffic of the planned development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets, alleys, and driveways upon existing public roadways shall be subject to the approval of the Planning Commission. The Planning Commission may condition approval on the construction of improvements such as street widening, curbs, gutters, and sidewalks to existing contiguous streets and or the provision of connections for community greenways, bicycle paths or routes, or pedestrian ways.
  - E. Off-street Parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks, and steps may be provided, maintained and lighted for night use. Screening of parking and service-areas may be required through use of trees, shrubs, hedges and/or screening walls.
  - F. Pedestrian Circulation. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement. As a condition of approval, the Planning Commission or legislative body may require the construction of sidewalks to facilitate safe pedestrian movement.
  - G. Privacy. The planned development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms, and landscape barriers. Should high-rise buildings be approved, they shall be located within the development in such a manner as to minimize any adverse impact on adjoining low-rise buildings.
  - H. Relationship to the Subdivision Regulations and the other Zoning Regulations. The ordinance approving the planned development district may provide for such exceptions from the non-overlay district zoning regulations governing use, density, area, bulk, parking, and such Subdivision Regulations as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically identified and requested in the application for a planned development. Unless the ordinance approving a planned development contains a clear statement of exceptions to them, the standards and criteria of the district zoning regulations (non-overlay) will apply to all planned developments.
  - I. Development Period and Phasing. The expeditious construction of any planned development approved under these regulations shall be undertaken to assist in the assurance of the full completion of the development.
    1. Start of Development: Within eighteen (18) months from and after the effective date of the ordinance approving the planned development, actual construction shall have commenced in such development. For the purposes of this subsection, actual construction is defined to include the permanent fastening of construction materials on-site or extensive grading including demolition or removal of existing structures necessary for the development. In the event that actual construction shall have not begun within eighteen months, the Planning Commission shall, at least every 18 months

thereafter, review the zoning of the planned development and may recommend that the Board of Mayor & Aldermen take action to zone the land back to the -zoning classification placed upon the land prior to the adoption of the ordinance approving the planned development.

Any permit issued for such planned development shall become void if actual construction has not commenced within the eighteen month period, and no new permit shall be issued until appropriate action or review by the Planning Commission.

2. Phasing: The Planning Commission may permit the development to progress in phases and sections, provided, each phase or section of the development is so planned and so related to existing surroundings and available facilities and services that failure to proceed to subsequent stages will not have an adverse impact on the initial phases or sections of the planned development or its surroundings.
- J. Annexation. An application for planned development approval may be made simultaneous with a request for annexation. In which case the annexation and application for the planned development shall proceed as provided in Article VII of this ordinance.
- K. Landscaping for Planned Developments. Within any planned development, landscaping and buffering shall be provided which meets or exceeds the purposes and intents for such established in Section 505. It is intended, however, that within Planned Development Districts, alternative means may be employed to achieve an equal level of protection to that resulting from strict application of the provisions of Section 505. This provision is intended to permit and encourage use of flexible techniques to achieve a transitional character through site design that minimizes the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use.

## **SECTION 904 PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL.**

- A. Pre-application Conference: Not more than six (6) months prior to filing an application for planned development approval the applicant shall request a pre-application conference with the Planning and Codes Department to evaluate if the applicant is proceeding under the proper section of this ordinance; to advise the Planning Director of the location, scope, nature, and proposed district designation of the proposed planned development; to clarify issues; and, to discuss others matters as may be relevant to the planned development approval process. This pre-application conference shall be attended by the Planning Director and the applicant and/or the applicant's agent(s) who may be professional engineers, architects, or land planners retained by the applicant to assist in the preparation of the development plans. The applicant shall obtain no vested rights by virtue of this pre- application conference.
- B. Application for Planned Development Approval: The application shall be accompanied by a nonrefundable fee established from time to time by the Board of Mayor and Aldermen and shall include a site-specific development plan and other evidence of regulation compliance that may be required by this Zoning Ordinance.
- C. Site-Specific Development Plan Content Requirements: The Site Plan Checklist can be found in Section 905 of this Article. The Development Advisory Committee, Planning Commission, or Board of Zoning Appeals may require additional information to be submitted which may be necessary to make a determination regarding the application for a planned development.

- D. Development Committee Review of Application: Upon receipt of an application for planned development approval, the Planning Director shall review the application for completion. In the event the Planning Director determines the application is incomplete, the Planning Director shall notify the applicant of elements necessary to complete the application. When the application is complete, the Development Advisory Committee shall review the application and the Planning Director shall prepare a written response on behalf of the Development Advisory Committee recommending appropriate changes, additions, and deletions and identifying any special concerns with respect to the proposed planned development.
- E. Planning Commission Review of Application: Not more than forty-five (45) days after a complete application for planned development approval has been filed, the Planning Commission shall review the application. At such time as the Planning Commission reviews the application, the applicant or the applicant's agent shall be present to answer questions regarding the proposed development. During this review, the Planning Commission members may suggest, changes to the proposed, development plan. Not more than seventy-five (75) days after the Planning Commission has received the planned development application, the Planning Commission shall prepare a recommendation for the Board of Mayor and Aldermen. Provided, however, the Planning Commission may defer action for not more than 60 days or for a greater period of time if the applicant so requests. A recommendation prepared by the Planning Commission shall be for approval, disapproval, or approval subject to special conditions.
- F. Legislative Approval of Planned Development District:
1. The Board of Mayor and Aldermen shall hold a public hearing on the application for the planned development after receipt of recommendations from the Planning' Commission. Notice of such public hearing shall be in the manner as prescribed in this ordinance.
  2. The applicant may appeal any special conditions placed by the Planning Commission upon the approval of the planned development. Any such appeal shall be made in writing and shall be filed with the Planning Director not less than 21 calendar days prior to the scheduled public hearing before the legislative body. Such written appeal shall include proposed alternatives. The appeal shall be considered as part of the public hearing. The legislative body shall render a decision on any such appeal and shall approve, disapprove, or approve the planned development subject to special conditions. The Board of Mayor and Aldermen may condition approval upon conditions in addition or in substitution to those placed by the Planning Commission.
  3. Approval by the Board of Mayor and Aldermen shall constitute a change of the zoning map and shall authorize the applicant to proceed with the filing of applications for site plans, subdivision plats, building permits, certificates of occupancy and any other permits ordinarily required for development.
- G. Administrative Approval Authority: When filing subsequent applications for additional required approvals, the applicant must identify any deviations from the approved planned development. The Development Advisory Committee shall evaluate the deviations to determine whether they are substantial or minor in accordance with the following:
1. It provides for less density than the approved outline plan; or
  2. It provides greater open space by the elimination of or reduction in the size of the residential, commercial or industrial buildings; or
  3. It modifies the orientation of buildings or their location as long as such changes do not significantly alter or adversely affect the relationship of such buildings to the total development or any of its elements. Such modification shall not exceed a distance of:
    - (a) Five (5) feet for final plan of eight (8) or less acres;
    - (b) Ten (10) feet for final plan of eight (8) acres but less than twenty (20) acres; and
    - (c) Fifteen (15) feet for final plans of twenty (20) acres or more.

If the Development Advisory Committee finds the planned development deviates substantially from the approved application, the applicant shall apply for an amendment of the planned development as provided in this section.

- H. **Amendments:** A planned development may be amended in the accordance with the procedure which governs its approval as provided in this section. Approved plans of any type of Planned Development that are valid on the effective date of this ordinance shall remain valid until their expiration date, where applicable. Amendments to any plans of any type of Planned Development approved prior to the effective date of this ordinance shall comply with the standards and review processes of this ordinance.

## **SECTION 905 PLAN REQUIREMENTS**

The application shall be accompanied by the following:

### **A. For all Planned Residential Developments:**

1. a map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the subject property;
2. a graphic rendering of the existing conditions and/or aerial photograph(s) showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on or within one hundred feet of the subject property; existing drainage patterns; location and extent of tree cover; and community greenways and bicycle paths and routes in proximity to the subject property;
3. a plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structure on-site and within two hundred feet of the subject property and the identification of the use thereof;
4. a drawing defining the general location and maximum number of lots, parcels or sites proposed to be developed or occupied by buildings in the planned development; the general location and maximum amount of area to be developed for parking; the general location and maximum amount of area to be devoted to open space and to be conveyed, dedicated, or reserved for parks, playgrounds, recreation uses, school sites, public buildings and other common use areas; the approximate location of points of ingress and egress and access streets; the approximate location of pedestrian, bicycle and vehicular ways or the restrictions pertaining thereto and the extent of proposed landscaping, planting, screening, or fencing;
5. a tabulation of the maximum number of dwelling units proposed including the number of units with two or less bedrooms and the number of units with more than two bedrooms;
6. a tabulation of the maximum floor area proposed to be constructed;
7. a written statement generally describing the relationship of the proposed planned development to the current policies and plans of the City and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this article;
8. if the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
  - (a) the approximate date when construction of the project can be expected to begin;
  - (b) the order in which the phases of the project will be built;
  - (c) the minimum area and the approximate location of common space and public improvements that will be required at each stage; and,
  - (d) a breakdown by phase for subsections [5] and [6] above;
9. proposed means of assuring the continued maintenance of common space or other common elements and governing the use and continued protection of the planned development. For this purpose, the substance of any proposed restrictions or covenants shall be submitted;
10. a statement setting forth in detail either (1) the exceptions which are required from the zoning and Subdivision Regulations otherwise applicable to the property to permit the development of

- the proposed planned development or (2) the bulk, use, and/or other regulations under which the planned development is proposed;
11. the nature and extent of any overlay zone as in this article and any special flood hazard area as described in Section 18-215(2) of the Tullahoma Municipal Code;
  12. the location and proposed improvements of any street depicted on the Tullahoma Major Thoroughfare Plan as adopted and as it may be amended from time to time;
  13. the name, address, and telephone number of the applicant and any professional engineer, architect, or land planner retained by the applicant to assist in the preparation of the planned development plans. A primary representative shall be designated;
  14. architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials including the siding and roof materials, porches, and decks. The location and orientation of exterior light fixtures and of garages shall be shown if such are to be included in the structures; and,
  15. if a development entrance sign is proposed the application shall include a description of the proposed entrance sign improvements including a description of lighting, landscaping, and construction materials.

**B. For all Planned Commercial, Planned Industrial Developments and Planned Mixed-Use Developments:**

1. a map showing available utilities, easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property;
2. a graphic rendering of the existing conditions and/or aerial photograph(s) showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on or within one hundred feet of the subject property; existing drainage patterns; location and extent of tree cover; and, community greenways and bicycle paths and routes in proximity to the subject property;
3. a plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site or within two hundred feet of the subject property and the identification of the use thereof;
4. a drawing defining the location and area to be developed for buildings and parking; standards for pedestrian and vehicular circulation; the proposed points of ingress and egress to the development; the provision of spaces for loading; proposed screening to be made in relation to abutting land uses and zoning districts; and the extent of proposed landscaping, planting and other treatment adjacent to surrounding property;
5. a circulation diagram indicating the proposed principal movement of vehicles, bicycles, goods, and pedestrians within the development to and from existing thoroughfares;
6. a development schedule indicating the stages in which the project will be built and when construction of the project can be expected to begin. If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
  - (a) the approximate date when construction of the project can be expected to begin;
  - (b) the order in which the phases of the project will be built; and,
  - (c) the minimum area and the approximate location of common space and public improvements that will be required at each phase.
7. a written statement generally describing the relationship of the planned development to the current policies and plans of the City and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this article;
8. a statement setting forth in detail the manner in which the proposed planned development deviates from the zoning and Subdivision Regulations which would otherwise be applicable to the subject property;



9. a tabulation setting forth:
  - (a) maximum total square feet of building floor area proposed for commercial uses and for industrial uses, by general type of use;
  - (b) maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial and/or industrial uses; minimum public and private open space; streets and off-street parking and loading areas; and,
  - (c) a tabulation of the maximum floor area to be constructed.
10. the nature and extent of any overlay zone as described in this article and any special flood hazard area as described in Section 18-215(2) of the Tullahoma Municipal Code;
11. the location and proposed improvements of any street depicted on the Tullahoma Major Thoroughfare Plan as adopted and as it may be amended from time to time;
12. The name, address, and telephone number of the applicant and any professional engineer, architect, or land planner retained by the applicant to assist in the preparation of the planned development plans. A primary representative shall be designated;
13. An architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials including the siding and roof materials, porches, and decks. And an exterior lighting plan; and,
14. The application shall include a description of proposed signage for the development including calculations of square footage and height. If a development entrance sign is proposed the application shall include a description of the proposed entrance sign improvements including a description of lighting, landscaping, and construction materials.

# ARTICLE X ADMINISTRATION AND ENFORCEMENT

## SECTION 1001 ORGANIZATION

- A. 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.
- B. 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.
- C. 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 Director 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.

- A. 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.
- B. 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.
- C. 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.
- D. 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

- A. 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.
- B. 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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.

**E. Effective Periods of Approval-Issuance of a Conditional Use Permit.**

1. Board of Zoning Appeals approval shall become effective thirty (30) days from the date of the public hearing at which approval is granted.
2. No building permit shall be issued prior to the effective date of approval.
3. The building permit shall be issued subject to all conditions and requirements stipulated by the Board of Zoning Appeals.

**F. 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.

**G. 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.

**A. 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.

**B. Public Hearing:**

1. 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.
2. 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.
3. The Planning Commission shall notify by first class mail (at the last addresses listed for such owners in the County tax records) the applicant and the owners of all properties that lie within 100 feet of any portion of the property(s) in question Mailed notice under this section shall not be required if a rezoning directly affects more than 20 properties owned by a total of at least 20 different property owners.
4. 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.
5. 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.

**C. 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.

**D. 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.

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

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

## **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.