

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

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CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

- 14-101. Created and established.
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14-101. Created and established. The municipal-regional planning commission is hereby created and established as authorized by Tennessee Code Annotated, chapters 3 and 4 of title 13. (1988 Code, § 11-101)

14-102. Membership. The municipal regional planning commission shall consist of seven (7) members. One of the members shall be the mayor or a person designated by the mayor, who is a member of the board of mayor and aldermen, and shall serve for a one-year term but at the will and pleasure of the mayor; one shall be an alderman, elected by the board of mayor and aldermen, and his/or her term of office shall be for one year. The five (5) remaining members shall be appointed by the mayor from qualified voters of the city. The term of office of those five (5) members shall be for five (5) years each. All of such appointed members shall be appointed at the will and pleasure of the mayor, and may be removed from office for lack of diligent effort in the execution of the duties of the office, or for other causes deemed advisable by the mayor. Any vacancies in office shall be filled by the mayor, except for the alderman elected by the board of mayor and aldermen, who shall be replaced by election by the board. All members shall serve without compensation. The terms of the five (5) appointed members shall be set up so that the term of one (1) member will expire each year. (1988 Code, § 11-102, as amended by Ord. #1303, Nov. 2004)

14-103. Organization; rules; staff; finances. The planning commission shall elect its chairman from its members. The term of chairman shall be for one year, with eligibility for re-election. The commission shall adopt rules for the transaction of its business, except that an official meeting may not be held with less than a majority of its members present. The commission may appoint such employees and staff as it may deem necessary, and may contract with consultants, or city planners, provided such expense has been submitted to and approved by the board of mayor and aldermen. All expenses of the commission shall be paid in accordance with the regular procedure as prescribed by this code. (1988 Code, § 11-103)

14-104. Powers and duties. The planning commission shall have all the duties, powers and responsibilities, in accordance with Tennessee Code Annotated, chapters 3 and 4 of title 13, and in addition thereto shall work in cooperation with the state and national planning commission, may contact and attempt to induce industry and business to locate in or adjacent to the city, and may promote or assist in the promotion of any project relative to the welfare of the community. (1988 Code, § 11-104)

CHAPTER 2

ZONING ORDINANCE

SECTION

14-201. Land use to be governed by zoning ordinance.

14-202. Board of zoning appeals.

14-201. Land use to be governed by zoning ordinance. Land use within the City of Tullahoma shall be governed by Ordinance #1392, titled "Zoning Ordinance of the City of Tullahoma, Tennessee," and any amendments thereto.¹

14-202. Board of zoning appeals. (1) The board of zoning appeals is hereby created and established as authorized in Tennessee Code Annotated chapter 7 of title 13.

(2) The board of zoning appeals shall consist of five (5) members, appointed by the mayor, for three (3) year terms, which terms shall be staggered.

(3) The board of zoning appeals shall also serve as the storm water board of appeals. (as added by Ord. #1446, Dec. 2014)

¹Ordinance #1392, and any amendments thereto, is published as Appendix A of this municipal code. The zoning map is adopted in this code by reference and is available in the office of the city recorder.

CHAPTER 3

MOBILE HOMES AND TRAVEL TRAILERS

SECTION

- 14-301. Definitions.
- 14-302. Enforcing officers.
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- 14-304. Appeals--from building official's decision.
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- 14-319. Travel trailer parks.
- 14-320. Plan requirements.
- 14-321. Minimum size of mobile home park.
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- 14-325. Water supply.
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- 14-328. Electricity.
- 14-329. Streets.
- 14-330. Parking spaces.
- 14-331. Buffer strip.
- 14-332. Park permits--required generally.
- 14-333. Pre-existing mobile home parks.
- 14-334. Application.

14-301. Definitions. For the purposes of this chapter, the following terms shall have the respective meanings ascribed to them:

(1) "Buffer strip." An evergreen buffer, which shall consist of a greenbelt planted strip not less than ten (10) feet in width. Such a greenbelt shall be composed of one row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedge, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one full growing season and which shrubs will eventually grow to not less than ten (10) feet.

(2) "Health officer." The director of the health department having jurisdiction over the community health in the area, or his duly authorized representative.

(3) "Land subject to flood." In applying the provisions of this chapter, land (or area) subject to flood shall be as defined in article III, section 32, subsection 32.14 of the zoning ordinance of the city, as amended.

(4) "Mobile home (trailer)." A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, which is built on a permanent chassis, designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile home. Double wide mobile homes which are at least twenty-four (24) feet wide and are sold as a package, and as a single unit provided they are given a solid underpinning are defined not as a mobile home in this chapter; neither are factory built modular homes which meet all applicable codes, local ordinances, and regulations.

(5) "Mobile home park." Any plot of ground within the city on which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

(6) "Mobile home space." A plot of ground within a mobile home park designated for the accommodation of one mobile home.

(7) "Permit." A permit as required by this chapter for mobile home parks and travel trailer parks. Fees charged under the permit requirement are for inspection and the administration of this chapter.

(8) "Travel trailer." A travel trailer, pick-up camper, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which:

(a) Can operate independent of connections to external sewer, water and electrical systems;

(b) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities; and/or

(c) Is identified by the manufacturer as a travel trailer.

(9) "Travel trailer park." Any plot of ground within the city on which two (2) or more travel trailers, occupied for camping or periods of short stay, are located. (1988 Code, § 8-401)

14-302. Enforcing officers. It shall be the duty of the county health officer and city building official to enforce provisions of this chapter. Where septic tanks are to be used, the planning commission shall require certificates of approval from the county health officer. (1988 Code, § 8-402)

14-303. Conflicts with other regulations. In any case where a provision of this chapter is found to be in conflict with a provision of any private or public act or local ordinance or code, the provision which establishes the higher standard for promotion and protection of the health and safety of the people shall prevail. (1988 Code, § 8-403)

14-304. Appeals--from building official's decision. (1) The municipal-regional planning commission shall serve as the board of appeals and shall be guided by procedures and powers compatible with state law.

(2) Any party aggrieved because of an alleged error in any order, requirement, decision or determination made by the building official in the enforcement of this chapter may appeal for and receive a hearing by the board of appeals, advised by the city attorney, for an interpretation of pertinent provisions of this chapter. In exercising this power of interpretation, the board of appeals, with advice from the city attorney, may, in conformity with the provisions of this chapter, reverse or affirm any order, requirement, decision or determination made by the building official. (1988 Code, § 8-404)

14-305. Appeals--from decisions of board of appeals. Any person, or any board, taxpayer, department, or bureau of the city, aggrieved by any decision of the board of appeals and the city attorney may seek review by a court of record of such decision in the manner provided by the laws of the state. (1988 Code, § 8-405)

14-306. Violation and penalty. Any person who violates any of the provisions of this chapter or the rules and regulations adopted pursuant thereto, or fails to perform the reasonable requirements specified by the building official or county health officer after receipt of thirty (30) days written notice of such requirements, shall be punished as provided in § 1-107 for each offense, and each day of continued violation shall constitute a separate offense, subsequent to receipt of said five (5) day notice. (1988 Code, § 8-406)

14-307. Inspections--mobile home parks. The building official or county health officer is hereby authorized and directed to make inspections to determine the condition of mobile home parks, in order that he may perform his duty of safeguarding the health and safety of occupants of mobile home parks and of the general public. The building official shall have the power to enter at reasonable times upon any private or public property for the purpose of

inspecting and investigating conditions relating to the enforcement of this chapter. (1988 Code, § 8-407)

14-308. Inspections--travel trailer parks. The building official or county health officer is hereby authorized and directed to make inspections to determine the condition of travel trailer parks, in order that he may perform his duty of safeguarding the health and safety of the occupants of travel trailer parks and of the general public. The building official or county health officer shall have power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (1988 Code, § 8-408)

14-309. Length of occupancy mobile home space; mechanical, etc., standards. No mobile home space shall be rented in any mobile home park except for periods of sixty (60) days or more, and no mobile home shall be admitted to any park, or occupied outside of a mobile home park, where permitted, unless it can be demonstrated that it meets the requirements of the American National Standards Institute, A-119.1, as amended, applicable to factory manufactured mobile homes, in their plumbing, heating and electrical systems or any state administered code insuring equal or better plumbing, heating or electrical installations. (1988 Code, § 8-409)

14-310. Travel trailer space. Travel trailer spaces shall be rented by the day or week only, and the occupant of such space shall remain in the same travel trailer park not more than fourteen (14) days. (1988 Code, § 8-410)

14-311. 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, and except as provided in § 14-312. (1988 Code, § 8-411)

14-312. Existing mobile homes. Any mobile home already placed on a lot on or before the date of passage of the ordinance from which this chapter 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 said present mobile home shall remain vacant for a period of one year, said mobile home owner shall be given, at the end of that year, a period not to exceed sixty (60) days in which to remove said mobile home and to comply with all provisions of this chapter. (1988 Code, § 8-412)

14-313. Travel trailers outside of parks. It shall be unlawful for any travel trailer to be occupied or serviced outside of any properly designated travel trailer park. This provision shall not apply to the storage of travel trailers provided said trailer unit is neither temporarily nor permanently occupied as a dwelling unit while within the city. (1988 Code, § 8-413)

14-314. State license required. No mobile home or travel trailer shall be used, placed, stored or serviced by utilities within the city or within any mobile home park or travel trailer park in the city unless there is posted near the door of said mobile home a valid Tennessee state license, or affixed to said travel trailer a valid state license of the state of permanent residence of the travel trailer occupant. (1988 Code, § 8-414)

14-315. Mobile home occupied as a conventional dwelling. A mobile home may be placed at a mobile home site at any location with utility connections and other facilities constructed specifically for utilization as a permanent mobile home parking site in any area as defined as R-3 by the zoning ordinance of the city; provided, however, said mobile home so placed shall be installed as a permanent regular dwelling with wheels removed and with solid underpinning and with the usual utility connections common to a conventional dwelling place, and further provided that said mobile home so located shall be treated in all respects as a conventional dwelling place and shall comply with all requirements of this chapter and the zoning ordinance of the city, relative to location on lot, setback lines, etc. (1988 Code, § 8-415)

14-316. Flood damage reduction--mobile homes; permit, location, placement, anchoring. Due to their high vulnerability to flood damages, any mobile home proposed to be located in an area subject to flood, existing mobile home parks included, shall be subject to all pertinent flood damage reduction requirements specified in the zoning ordinance of the city, which includes the following requirements:

(1) The placement of a mobile home on a lot or mobile home space shall require a building permit.

(2) Mobile homes shall be located on compacted fill to achieve required minimum floor elevations. Mobile homes shall not be permitted to be located on piling to secure the required floor elevation.

(3) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties and frame ties to ground anchors. Specifically:

(a) Over-the-top ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of eight (8) ties are required), and one additional tie per side on

mobile homes less than fifty (50) feet in length (a total of six (6) ties are required).

(b) Frame ties shall be provided at each of the four (4) corners of the mobile home, with five (5) additional ties per side at intermediate locations on mobile homes fifty (50) feet or greater in length (a total of fourteen (14) ties are required) and four (4) additional ties per side on mobile homes less than fifty (50) feet in length (a total of twelve (12) ties are required).

(c) All components of the anchoring system shall be capable to carrying a force of four thousand eight hundred (4,800) pounds.

(d) Any additions to the mobile home shall be similarly anchored.

(4) No mobile home shall be placed within any designated floodway. (1988 Code, § 8-416)

14-317. Mobile home parks; permit, utilities systems. Any mobile home park proposed to be located either wholly or partially in an area subject to flood shall be subject to all pertinent flood damage reduction requirements specified in the zoning ordinance of the city, which includes the following requirements:

(1) The establishment of a mobile home park shall require a building permit.

(2) All new or replacement water supply systems and/or sanitary sewerage systems, together with attendant facilities, proposed to be located within areas subject to flooding shall be designed and constructed so as to minimize or eliminate flood damage, infiltration or inflow of floodwater into the system, and discharges or overflows from the system into floodwaters. On-site waste disposal systems, such as septic tanks and drainfields, shall be designed and constructed so as to avoid impairment of their operation or contamination from them in time of floods.

(3) All new or replacement gas or electrical distribution systems, together with attendant facilities, shall be designed and constructed so as to minimize or eliminate flood damages. (1988 Code, § 8-417)

14-318. Location and planning--mobile home parks. The mobile home park shall be located on a well-drained site and shall be so located that its drainage will not endanger any water supply and shall be in conformity with a plan approved by the planing commission and shall be located in districts as specified in the zoning ordinance. (1988 Code, § 8-418)

14-319. Travel trailer parks. (1) Location. Travel trailer parks shall be located in districts as specified in the zoning ordinance.

(2) Improvements. Site planning improvements shall conform to the standards established in regulations of the state governing the construction,

operation and maintenance of trailer courts, as provided in Tennessee Code Annotated, title 68, chapter 24. (1988 Code, § 8-419)

14-320. Plan requirements. (1) The mobile home park or travel trailer park plan shall contain the following information and conform to the following requirements:

- (a) The plan shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch;
 - (b) Name and address of owner of record;
 - (c) Proposed name of park;
 - (d) North point and graphic scale and date;
 - (e) Vicinity map showing location and acreage of mobile home park or travel trailer park;
 - (f) Exact boundary lines of the tract by bearing and distance;
 - (g) Names of owners of record of adjoining land;
 - (h) Existing streets, utilities, easements, and watercourses on and adjacent to the tract;
 - (i) Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile homes spaces;
 - (j) Provisions for water supply, sewerage and drainage; and
 - (k) Such information as may be required by the city to enable it to determine if the proposed park will comply with legal requirements.
- (2) Certificates that shall be required are:
- (a) Owner's certification;
 - (b) Planning commission's approval signed by the secretary; and
 - (c) Any other certificates deemed necessary by the planning commission. (1988 Code, § 8-420)

14-321. Minimum size of mobile home park. The tract of land for the mobile home park shall comprise an area of not less than five (5) acres. The tract of land shall consist of a single plot so dimensioned and related as to facilitate efficient design and management. (1988 Code, § 8-421)

14-322. Minimum number of mobile home spaces. The minimum number of mobile home spaces completed and ready for occupancy before first occupancy is twelve (12). (1988 Code, § 8-422)

14-323. Minimum mobile home space and spacing of mobile homes. (1) Each mobile home space shall be adequate for the type of facility occupying the same. Mobile homes shall be parked on each space so that there will be at least fifteen (15) feet of open space between mobile homes or any attachment such as a garage or porch, and at least fifteen (15) feet end to end

spacing between mobile homes and any building or structure, twenty (20) feet between any mobile home and property line and thirty-five (35) feet from the right-of-way of any public street or highway. If the construction of additional rooms or covered areas is to be allowed beside the mobile homes, the mobile home spaces shall be made wider to accommodate such construction in order to maintain the required fifteen (15) feet of open space.

- (2) In addition, each mobile home space shall contain:
- (a) A minimum lot area of three thousand (3,000) square feet;
 - (b) A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet;
 - (c) A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet; and
 - (d) A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet. (1988 Code, § 8-423)

14-324. Minimum size of travel trailer space. Each travel trailer space shall have a minimum width of thirty (30) feet and a minimum length of fifty (50) feet. (1988 Code, § 8-424)

14-325. Water supply. Where a public water supply is available, it shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after written approval of plans and specifications has been granted by the health officer. In those instances where an independent system is approved, the water shall be from a supply properly located, protected, and operated, and shall be adequate in quantity and approved in quality. Samples of water for bacteriological examination shall be taken before the initial approval of the physical structure and thereafter at least every four (4) months and when any repair or alteration of the water supply system has been made. If a positive sample is obtained, it will be the responsibility of the mobile home park operator to provide such treatment as is deemed necessary by the health officer to maintain a safe, potable water supply. Water shall be furnished at the minimum capacity of two hundred and fifty (250) gallons per day per mobile home space. An individual water service connection shall be provided for each mobile home space. (1988 Code, § 8-425)

14-326. Sewage disposal. (1) An adequate sewage disposal system must be provided and must be approved in writing by the health officer. Each mobile home space shall be equipped with at least a four (4) inch sewer connection, trapped below the frost line and reaching at least four (4) inches above the surface of the ground. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.

(2) Every effort shall be made to dispose of the sewage through a public sewer system. In lieu of this, a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an

adequate disposal area is available. The minimum size of any septic tank to be installed under any condition shall not be less than seven hundred fifty (750) gallons working capacity. This size tank can accommodate a maximum of two (2) mobile homes. For each additional mobile home on such a single tank, a minimum additional liquid capacity of one hundred seventy-five (175) gallons shall be provided. The sewage from no more than twelve (12) mobile homes shall be disposed of in any one single tank installation. The size of such tank shall be a minimum of two thousand five hundred (2,500) gallons liquid capacity. The amount of effective soil absorption area or total bottom area of overflow trenches will depend on local soil conditions and shall be determined only on the basis of the percolation rate of the soil. The percolation rate shall be determined as outlined in Appendix A of the Tennessee Department of Health Bulletin, entitled "Recommended Construction of Large Septic Tank Disposal Systems for Schools, Factories and Institutions." This bulletin is available on request from the department. No mobile home shall be placed over a soil absorption field.

(3) In lieu of a public sewer or septic tank system, an officially approved package treatment plant may be used. (1988 Code, § 8-426)

14-327. Refuse. The storage, collection and disposal of refuse in the park shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, watertight and rodent proof containers. Satisfactory container racks or holders shall be provided. Garbage shall be collected and disposed of in an approved manner at least twice per week. (1988 Code, § 8-427)

14-328. Electricity. An electrical outlet supplying at least two hundred twenty (220) volts shall be provided for each mobile home space and shall be weatherproof and accessible to the parked mobile home. All electrical installations shall be in compliance with the National Electrical Code and Tennessee Department of Insurance Regulation No. 15, entitled "Regulation Relating to Electrical Installations in the State of Tennessee," and shall satisfy all requirements of the local electric service organization. (1988 Code, § 8-428)

14-329. Streets. (1) Minimum widths of various streets within mobile home parks shall be:

- One-way, with no on-street parking 12 ft.
- One-way, with parallel parking on one side only 18 ft.
- One-way, with parallel parking on both sides 26 ft.
- Two-way, with no on-street parking 20 ft.

Two-way, with parallel parking on one side only 28 ft.
 Two-way, with parallel parking on both sides 36 ft.

(2) Streets shall have a gravel base consisting of side twenty-five (25) (Grade D) stone compacted to six (6) inches and a paved surface of asphaltic concrete (hot mix), as specified in the Tennessee Department of Transportation "Standard Specifications for Road and Bridge Construction, 1968" section 411, compacted to one inch with not less than an average weight of one hundred (100) pounds per square yard. (1988 Code, § 8-429)

14-330. Parking spaces. Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Car parking spaces shall be located for convenient access to the mobile home spaces. Where practical, one car space shall be located on each lot and the remainder located in adjacent parking bays. The size of the individual parking space shall have a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. The parking spaces shall be located so access can be gained only from internal streets of the mobile home park. (1988 Code, § 8-430)

14-331. Buffer strip. An evergreen buffer strip as defined in § 14-301 shall be planted along all boundaries of the mobile home park. (1988 Code, § 8-431)

14-332. Park permits--required generally. No place or site within the city shall be established or maintained as a mobile home park or travel trailer park without a valid permit issued by the building official in the name of the applicant for the specific mobile home park or travel trailer park. The building official is authorized to issue, suspend, or revoke permits in accordance with the provisions of this chapter. (1988 Code, § 8-432)

14-333. Pre-existing mobile home parks. Mobile home parks in existence as of the effective date of the ordinance from which this chapter is derived shall be required to obtain a park permit. 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 thirty (30) 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. (1988 Code, § 8-433)

14-334. Application. Applications for a mobile home park or travel trailer park permit shall be filed with and issued by the building official, subject to the planning commission's approval of the park plan. Applications shall be in writing and signed by the applicant and shall be accompanied with an approved plan of the proposed park, containing the information required by § 14-320. The application and all accompanying plans and specifications shall be filed in triplicate. (1988 Code, § 8-434)

CHAPTER 4

COMPREHENSIVE DEVELOPMENT PLAN

SECTION

14-401. Development plan adopted.

14-401. **Development plan adopted.** A Comprehensive Development Plan for the City of Tullahoma is hereby adopted by Ordinance #1417, and any amendments thereto.¹

¹Ordinance #1417, and any amendments thereto, is on file in the office of the recorder.

CHAPTER 5

TELECOMMUNICATION TOWERS

SECTION

- 14-501. Wireless telecommunication towers and antennas.
- 14-502. Definitions.
- 14-503. Applicability
- 14-504. General requirements.
- 14-505. Exceptions.
- 14-506. Tower permits
- 14-507. Buildings or other equipment storage.
- 14-508. Removal of abandoned antennas and towers.
- 14-509. Nonconforming uses.

14-501. Wireless telecommunication towers and antennas.

(1) Purpose. The purpose of this section is to establish general guidelines for the siting of wireless communication towers and antennas. The purposes of this section are to:

- (a) Protect residential areas and land uses from potential adverse impacts of towers and antennas.
- (b) Encourage the location of towers in non-residential areas.
- (c) Minimize the total number of towers throughout the community.
- (d) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
- (e) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
- (f) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (g) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
- (h) Consider the public health and safety of communication towers.
- (i) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (j) Protection of the airport and the prevention of the creation or establishment of hazards to air navigation. (as added by Ord. #1461, June 2016)

14-502. Definitions. As used in this section, the following terms shall have the meanings set forth below:

(1) "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(4) "FAA" means the Federal Aviation Administration.

(5) "FCC" means the Federal Communications Commission.

(6) "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(7) "Planning commission" means Tullahoma Regional Municipal Planning Commission.

(8) "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more (antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. (as added by Ord. #1461, June 2016)

14-503. Applicability. (1) New towers and antennas. All new towers or antennas in the City of Tullahoma shall be subject to these regulations, except as provided in § 14-503(2) through (4), inclusive.

(2) Amateur radio station operator/receive only antennas. Home occupation section 601 of the zoning ordinance shall not govern any tower, or the installation of any antenna, that is under forty feet (40') in height and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers forty feet (40') and found within this section shall continue to apply.

(3) Preexisting towers or antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of §§ 14-504(6) and (7).

(4) AM array. For purposes of implementing this section, an AM array, consisting of one (1) or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one (1)

tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right. (as added by Ord. #1461, June 2016)

14-504. General requirements. (1) Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(2) Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(3) Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the planning commission an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Tullahoma or within Tullahoma's planning region thereof, including specific information about the location, height, and design of each tower. The planning commission may share such information with other applicants applying for tower permits under this title or other organizations seeking to locate antennas within the jurisdiction of the City of Tullahoma, provided, however that the planning commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for tower construction.

(4) Aesthetics. Towers and antennas shall meet the following requirements:

(a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) The use of stealth type hidden/disguise antennas are to be encouraged by any applicant and given preference for a tower building permit in any area near a residential zone.

(5) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting

alternatives and design chosen must cause the least disturbance to the surrounding views. Where lighting is required by FAA such lighting shall be of the "dual lighting" provisions as defined by the FAA (white during the day and red during the evening hours) or in the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA regulations. White flashing lighting at night is strictly prohibited under this section.

(6) State or federal requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(7) Building codes: safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the electronic industries association, as amended from time to time. If, upon inspection, the City of Tullahoma determines that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(8) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Tullahoma irrespective of municipal and county jurisdictional boundaries.

(a) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and/or permits required by law for the construction and/or operation of a wireless communication system in the City of Tullahoma have been obtained and shall file a copy of all required franchises with the town.

(b) Public notice. For purposes of this section, for any tower request the planning commission shall first give a ten (10) day notice of such hearing by one publication in a newspaper of general circulation and shall post a real estate type sign on the subject property. The sign shall indicate the date, time, and location of the public hearing and the nature of the request. The sign shall be posted at least five (5) days prior to the public hearing.

(9) Signs. No signs shall be allowed on an antenna or tower except for any structure identification sign as may be required by the FCC or the FAA. Such sign is not to exceed ten inches (10") by fifteen inches (15") and is to be mounted at the base of the structure no higher than twenty feet (20') from the ground.

(10) Buildings and support equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of § 14-506.

(11) Multiple antenna/tower plans. The City of Tullahoma requires the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(12) The tower shall meet the following height and usage criteria:

(a) For a single user, up to ninety feet (90') in height;

(b) For two (2) users, up to one hundred twenty feet (120') in height; and

(c) For three (3) or more users, up to one hundred fifty feet (150') in height. (as added by Ord. #1461, June 2016)

14-505. Exceptions. The provisions of this part shall not apply to antennas or towers located on property owned, leased, or otherwise controlled by the city and under forty feet (40') in height. (as added by Ord. #1461, June 2016)

14-506. Tower permits. (1) General. The following provisions shall govern the issuance of tower permits for towers or antennas by the planning commission:

(a) A tower permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.

(b) Applications for tower permits under this section shall be subject to the procedures and requirements of this chapter.

(c) In granting a tower permit, the planning commission may impose conditions to the extent the planning commission concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

(d) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

(e) An applicant for a tower permit shall submit the information described in this section and a fee for the costs of reviewing the application.

(2) Towers. (a) Information required. The following information shall be required for tower permit applications:

(i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in Table 1, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the planning commission to be necessary to assess compliance with this section.

(ii) Legal description of the parent tract and leased parcel (if applicable). The separation distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(iii) The separation distance from other towers described in the inventory of existing sites submitted pursuant to § 14-504(3) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(iv) A landscape plan showing specific landscape materials.

(v) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(vi) A description of compliance with § 14-504(3) to (8), and (12) and (13), § 14-507(2)(d) and (e) and all applicable federal, state or local laws.

(vii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(viii) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(ix) A description of the feasible location(s) of future towers or antennas within the City of Tullahoma based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(x) A copy of the stress analysis of the proposed structure including reasonably anticipated loads of additional users, and certified by a State of Tennessee licensed professional engineer.

(b) Factors considered in granting tower permits. In addition to any standards for consideration of tower permit applications pursuant to title 14, chapter 5, the planning commission shall consider the following factors in determining whether to issue a tower permit:

- (i) Height of the proposed tower;
- (ii) Proximity of the tower to residential structures and residential district boundaries;
- (iii) Nature of uses on adjacent and nearby properties;
- (iv) Surrounding topography;
- (v) Surrounding tree coverage and foliage;
- (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (vii) Proposed ingress and egress; and
- (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in § 14-507(2) of this section.

(c) Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the planning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (i) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
- (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(viii) Self supporting structures are to be encouraged over guyed towers. Applicant must demonstrate that a self-supported structure is not feasible before any guyed tower will be approved.

(d) Setbacks. The following setback requirements shall apply to all towers for which a tower permit is required; provided, however, that the planning commission may reduce the standard setback requirements if the goals of this section would be better served thereby:

(i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

(ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(e) Separation. The following separation requirements shall apply to all towers and antennas for which a tower permit is required; provided, however, that the planning commission may reduce the standard separation requirements if the goals of this section would be better served thereby.

(i) Separation from off-site uses/designated areas.

(A) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table1.

(B) Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1:

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units	200 feet or 300% height of tower whichever is greater

Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower whichever is greater
Vacant unplatted residentially zoned lands	200 feet or 200% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	200 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

(C) Separation distances between towers.

(1) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:

Existing Towers - Types

	Lattice	Guyed	Monopole 75 ft. in Height or Greater	Monopole Less than 75 ft. in Height
Lattice	5,000	5,000	5,000	750
Guyed	5,000	5,000	5,000	750
Monopole 75 ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75 ft. in Height	750	750	750	750

(f) Security fencing. Towers shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the planning commission may waive such requirements, as it deems appropriate.

(g) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a tower permit is required; provided, however, that the planning commission may waive such requirements if the goals of this section would be better served thereby.

(i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

(ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer. (as added by Ord. #1461, June 2016)

14-507. Buildings or other equipment storage. (1) Antennas mounted on structures or rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

(a) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height. In addition, for buildings and structures which are less than sixty-five feet (65') in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or twelve feet (12') in height, shall be located on the ground and shall not be located on the roof of the structure.

(b) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.

(c) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(2) Antennas mounted on utility poles or light poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(a) In residential districts, the equipment cabinet or structure may be located:

(i) In a front or side yard provided the cabinet or structure is no greater than twelve feet (12') in height or one

hundred (100) square feet of gross floor area and the cabinet/structure is located a minimum of twenty-five feet (25') from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least forty-two to forty-eight inches (42" to 48") and a planted height of at least thirty-six inches (36").

(ii) In a rear yard provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty-six inches (36").

(b) In commercial/industrial districts the equipment cabinet or structure shall be no greater than twenty feet (20') in height or two hundred (200) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet (8') and a planted height of at least thirty-six inches (36"). In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or an evergreen hedge with ultimate height of twelve feet (12') and a planted height of at least thirty-six inches (36").

(3) Equipment structures to be located on towers. The related unmanned equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height, and shall be located no closer than forty feet (40') from all lot lines.

(4) Modification of building size requirements. The requirements of § 14-508(1) through (3) may be modified by the planning commission in case of administratively approved uses or by the planning commission in case of uses permitted by tower to encourage collocation. (as added by Ord. #1461, June 2016)

14-508. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Tullahoma notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users abandon the tower. (as added by Ord. #1461, June 2016)

14-509. Nonconforming uses. (1) Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and

height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section. Any expansion of an existing use shall be reviewed and permitted according to the terms of this section.

(2) Rebuilding damaged or destroyed nonconforming towers or antennas. Notwithstanding § 14-508, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt upon the planning commission's approval of a tower permit and without having to meet the separation requirements specified in §§ 14-506(2)(d) and (e). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in § 14-508. (as added by Ord. #1451, June 2016)