



**City of Millersville Planning Commission
Regular Meeting Agenda
Tuesday, March 12, 2019 5:00 pm
Commission Chambers**

- 1) Call to Order
- 2) Invocation & Pledge of Allegiance
- 3) Roll Call
- 4) Disclosure of Ex-parte Communications
- 5) Approve the Minutes of the Planning Commission Meeting(s):
 - a) February 12, 2019
- 6) Public Comments (Limited to 3 minutes per speaker for items on this agenda)
- 7) Action Item(s):
 - a) Chapter 90 Zoning Amendment – Transmission and Communications Towers and Stations
- 8) Non-action Item(s):
 - a) Discuss existing Sign Ordinance & Violations
 - b) Discuss Standards for Community Campgrounds
- 9) Development Services Department Report
 - a) Board of Zoning Appeals Meeting Summary - None
 - b) Planning & Zoning Activities
- 10) Commissioners Comments & General Discussion
- 11) Public Comments (Limited to 3 minutes per speaker for items not on this agenda)
- 12) Next Planning Commission Meeting is scheduled for April 9, 2019
- 13) Adjournment

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Recorder at 615-859-0880 at least 72 hours prior to the meeting.



**City of Millersville Planning Commission
Meeting Minutes
Tuesday, February 12, 2019 5:00 pm
Commission Chambers**

- 1) **Call to Order:** Chairman Fox called the February Meeting of Planning Commission to order at 5:05pm.
- 2) **Invocation & Pledge of Allegiance:** Lead by Secretary Gregory
- 3) **Roll Call:** Secretary Gregory called the roll of Commission; a quorum was present and included the following:

Commission Present:

Mr. Frank Fox
Mr. Larry Petty
Mr. David Gregory
Mr. Lee Smith
Mrs. Deborah Wade
Ms. Alisa Huling

Absent:

Mr. Keith Bell

Staff Present:

Mr. Michael Barr
Mrs. Michelle Bernard

- 4) **Introduce New Planning Commission Member – Ms. Alisa Huling:** Chairman Fox introduces our new attendee to the Planning Commission. Chairman Fox shared that Ms. Huling served on the City Commission years ago and longtime resident of the City of Millersville.
- 5) **Disclosure of Ex-parte Communications:** No comments were made.
- 6) **Approve the Minutes of the Planning Commission Meeting(s):**
 - a) **November 13, 2018:**

Chairman Fox requests the Commission to approve the November 13, 2018 Meeting Minutes. Secretary Gregory made the motion to “approve the November 13, 2018 Meeting Minutes as presented.” Vice Chairman Petty seconded the motion.
Motion carried. (5-aye, 0-nay, 1-abstained; – Ms. Huling as she was not a member of the board at that time.
- 7) **Public Comments (Limited to 3 minutes per speaker for items on this agenda):**

No comments were made.

8) Annual Nominations and Elections of Planning Commission Officers:

- a) **Chairman:** Mr. Michael Barr called for nominations for Chairman. Mr. Gregory called to nominate Frank Fox as Chairman. Mr. Barr called to vote on the nomination of Mr. Frank Fox as Chairman. **Motion carried by Unanimous Vote. (6-aye, 0-nay)**
- b) **Vice Chairman:** Mr. Barr called for nominations for Vice Chairman. Mr. Smith called to nominate Larry Petty as Vice Chairman. Mr. Barr called to vote on the nomination of Mr. Larry Petty as Vice Chairman. **Motion carried by Unanimous Vote. (6-aye, 0-nay)**
- c) **Secretary:** Mr. Barr called for nominations for Secretary. Vice Chairman Petty called to nominate Mr. David Gregory as Secretary. Mr. Barr called to vote on the nomination of Mr. David Gregory as Secretary. **Motion carried by Unanimous Vote. (6-aye, 0-nay)**

Official Results:

- a) **Chairman:** Mr. Frank Fox
- b) **Vice Chairman:** Mr. Larry Petty
- c) **Secretary:** Mr. David Gregory

9) Action Item(s):

- a) **Accept the 2018 Annual Planning Commission Member & Staff Training Reports:**

Mr. Barr congratulated Mr. Fox, Mr. Petty, Mr. Gregory, Mr. Bell, Mr. Smith and Mrs. Wade for completing this training.

- b) **Subdivision Replat 7625 Darby Road (J.A. Darby Subdivision SC Plat Bk 13 Pg 54):**

The applicant is requesting to replat three adjoining parcels on Darby Rd. This Replat is proposing to divide three parcels into four lots. All lots will have direct connection with Darby Road as well as a utility and shared access easement for the exiting driveway and utilities. A portion of the overall proposed replat area is being rezoned to R-3 to match the other portion that allow for the resulting parcels to conform to the minimum R-3 zoning departments. The rezoning is expected to be completed with the Ordinance's Second Reading and Public Hearing on February 19, 2019. The proposed replatted lots do not appear to be incongruent with other lots and parcels in the vicinity.

Mr. Barr is recommending a "Conditional" approval of the Subdivision Plat per the plat drawing pending approval of the Rezoning Ordinance by the City Commission. Secretary Gregory made the motion to conditionally approve the Subdivision Replat for 7625 Darby Rd. Vice Chairman Petty seconded the motion.

Motion carried by Unanimous Vote. (6-aye, 0-nay)

c) **Subdivision Plat 7639 S. Swift Rd (RC Map 126 Parcel 059.00):**

The owner of the subject parcel is requesting to divide the approximately 0.95 acre parcel into two parcels. The parcel currently has single uninhabitable home that is planned for demolition. The parcel is currently in the rezoning process to Residential R-5. The Second Reading and Public Hearing is scheduled for the City Commission on February 19, 2019. The proposed resulting parcels will meet the minimum R-5 zoning standards. ***Commissioner Mr. Bell arrives to the meeting***

Mr. Barr is recommending a “Conditional” approval of the Subdivision Plat per the plat drawing pending the approval of the Rezoning Ordinance by the City Commission. Vice Chairman Petty made the motion to conditionally approve the Subdivision Plat per the plat drawing pending the approval of the Rezoning Ordinance by the City Commission. Mrs. Wade seconded the motion. **Motion carried by Unanimous Vote. (7-aye, 0-nay)**

d) **Commercial Site Plan 1820 US Hwy 31W – Revised:**

The applicant is requesting approval of the Commercial Site Plan for an office building and self-storage facility. The front portion of the parcel is zoned Commercial C-1 with the rear zoned for C-4 that allows for “mini warehouses / self-storage.” A Conceptual Site Plan was approved by the City Commission during the Rezoning of C-4. A Variance was recently granted by the Board of Zoning Appeals to minimize the project’s landscape and buffering requirements. The proposed office building’s elevation and fascia materials will meet the City’s standards and will not require review by this Board.

Mr. Barr is recommending “Conditional” approval of the Site Plan and proposed building fascia materials pending the final review and acceptance of the plans by the City’s Engineer. Secretary Gregory made the motion to conditionally approve the Commercial Site Plan 1820 US Hwy 31W. Mr. Bell seconded the motion. **Motion carried by Unanimous Vote. (7-aye, 0-nay)**

e) **Chapter 90 Zoning Amendment – Transmission and Communications Towers and Stations:**

The City was recently contacted by the Sumner County Emergency Management Agency requesting to locate a new communication tower with multiple antennas at a yet to be determined location within our municipal limits. This new antenna system would provide state of the art communications to the County. Additionally, the County proposes to allow the City to co-locate any other City antennas on this tower.

In review of the current Code of Ordinances, there are strict requirements and limitations that would make the County’s proposed tower extraordinarily difficult to locate, permit and approve. Other municipalities provide exceptions for “Essential Community” or “Public Safety” facilities including antennas, etc. with minimal standards or restrictions, including locations.

The proposed language addition is taken from Sumner County's Zoning Resolution. Other municipalities have some minimal language for public service related antennas and/or towers while others have none and appear to approve them without review or conditions. The proposed addition required the City to be a party to the underlying land and to the structure or facility itself. Any approvals must be made by the City Commission.

Mr. Barr is recommending approval by the Planning Commission to recommend approval by the City Commission to amend Chapter 90 Section 90-551 et seq. Mr. Smith made the motion to get this item to discussion. Secretary Gregory seconded the motion.

After much discussion among the Board members, Mr. Bell made the motion to defer this item until the next Planning Commission Meeting. Mr. Smith seconded the motion.

Motion carried by Unanimous Vote. (7-aye, 0-nay)

f) Development Agreement – Bethel Farms Subdivision:

Per the City's Subdivision Regulations, a Development Agreement is to accompany Major Subdivision Plans and Plats in particular for subdivisions that include infrastructure to be dedicated to the City for public use and maintenance in perpetuity.

This agreement details the City's minimum requirements and the developer's obligations including certain financial security for construction performance and following maintenance obligations of the public infrastructure including roads, utilities, stormwater and other structures and facilities. This Development Agreement applies to the subdivision project known as Bethel Farms located on South Williams Road, north of Bethel Road.

The Construction Plans are nearly complete and are expected to be accepted by the City's Engineer shortly. The project's Preliminary Subdivision Plat was approved by the Planning Commission on March 13, 2018. The Final Subdivision Plat has not been submitted as of this date. The Development Agreement, once approved by the City Commission, executed, and following recording, shall be referenced on the Final Plat before its recording. A pending Land Disturbance Permit shall be approved before any site work may commence.

Mr. Barr stated that is not action to this, as it was more for just information purposes.

10) Non-action Item(s): None

11) Development Services Department Report

a) Board of Zoning Appeals Meeting Summary – None.

b) Planning & Zoning Activities – None.

- 12) **Commissioners Comments & General Discussion:** Secretary Gregory asks Mr. Barr regarding the Sidewalk Project of which he updated the Board of its status.
- 13) **Public Comments (Limited to 3 minutes per speaker for items not on this agenda):** No comments were made.
- 14) **Next Planning Commission Meeting is scheduled for March 12, 2019**
- 15) **Adjournment:** Mrs. Wade made the motion to adjourn, seconded by Mr. Bell.
Motion carried by Unanimous Vote. (7-aye, 0-nay)
Meeting adjourned at 6:30 pm.

Chairman Frank Fox

Secretary David Gregory

Recording Secretary Michelle Bernard

Approval Date

Item 7a

Chapter 90 - ZONING

ARTICLE III. - DISTRICTS

DIVISION 11. - SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

Subdivision V. - Transmission and Communications Towers and Stations

Sec. 90-551. - Intent of subdivision.

It is the intent of this subdivision to avoid potential damage to property caused by towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, and maintained, while ensuring such towers are compatible with the surrounding land uses. The purpose of this subdivision is also to promote and encourage shared use/collocation of such towers and antenna support structures as a primary option, rather than the construction of single-use towers. The standards of this subdivision exclude amateur and ham radio operators.

Antennas or towers for municipal services located on property owned, leased or otherwise controlled by the city shall be exempt from the requirements of this subdivision, provided a license or lease authorizing such antennas for the governing authority on an approved tower. The antenna and tower and associated authorizing license or lease shall be approved by the board of commissioners.

Sec. 90-552. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Antennas means any exterior apparatus including poles, panels, rods, reflecting discs or similar devices designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves including, but not limited to, radio waves and microwaves.

Guyed tower means a tower that is supported and secured to the ground by a series of tethered wires. The codes enforcement officer shall secure a list of known communication tower users within the city limits. That list will be updated whenever a communication tower entity is given preliminary approval for site construction.

Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure even if the highest point is an antenna.

Safe tower means a tower that is specifically engineered to collapse in on itself with the debris taking approximately ten percent of the tower height. Monopole towers may be engineered for this feature, but not always. Self-supporting steel lattice towers are synonymous with the industry term, "safe towers."

Tower means any structure that is designated and constructed primarily for the purpose of supporting one or more antennas, including safe towers and guyed towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Sec. 90-553. - Standards for telephone, telegraph, and communications transmitter stations and towers.

- (a) *Generally.* All transmitter stations, including towers and operating equipment located within the city, shall be allowed in any district, upon site review of the planning commission and shall adhere to the

following standards: Monopole communication tower designs must be in compliance with the industry standard, "Safe Tower," within the city limits. All communication towers, except stealth and camouflage structures, shall be constructed to accommodate a minimum of two providers. Applicants shall explore and exhaust all attempts to locate or co-op its antenna on all existing towers or structures within a 3,000-foot radius of the proposed site. New towers may be permitted if the applicant demonstrates to the planning commission that no existing tower or structure can accommodate the applicant's proposed antenna, because of the following conditions:

- (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - (3) Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna and related equipment.
 - (5) Any claim by the applicant that fees, costs or contractual provisions required sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.
- (b) *Notification.* All communication tower applicants shall provide notice by certified mail to all users on the list. The following information shall be included in the notice: Description of the proposed tower; general location; longitude and latitude; general rate structure for leasing space, which shall be based on reasonable local charges; proposed height; a phone number to locate the applicant or agent for the communication tower, and a shared use application form. The intent of the notice shall be to invite potential communication tower users to apply for space on the proposed tower. A copy of this notice shall be mailed to the codes enforcement officer.
- (1) Potential communication tower users shall respond to the notice within 20 days of receipt of the certified mailing. A response shall be submitted utilizing the shared application form. A completed shared use application form shall be sent to the owner of the proposed communication tower or authorized agent. The tower applicant shall not be responsible for a lack of response received after the 20-day period.
 - (2) Feasibility of each shared use request received within the proper time limit shall be evaluated by the applicant. The evaluation shall document the feasibility of shared use between the proposed communication tower and a potential lessee or sharer. Factors to be considered when evaluating the feasibility of shared use include, but are not limited to: structural capacity, radio frequency (RF) interference, geographic service area requirements, mechanical or electrical incompatibilities, inability or ability to locate equipment on approved and unbuilt communication towers, cost (if fees and costs for sharing would exceed the cost of the new communication tower amortized over a 25-year period). Federal Communication Commission (FCC) limitations that would preclude shared use, and other applicable code requirements.
 - (3) If the applicant rejects one or more requests for shared use and if potential lessees dispute the rejections for shared use, the following procedure shall occur in ten working days after the shared use response deadline:
 - a. *Submittal.* The applicant shall submit two copies of the following to the code enforcement officer: A brief evaluation of each rejected response; all design data for the proposed communication tower; and an explanation indicating the structural improvements necessary to facilitate the requests that are rejected due to structural limitations paid for by the tower lessee.
 - b. *Consultant.* The planning commission, if desired, shall forward copies of all applications for shared use and the applicant's evaluation of each rejected request to a qualified communications consultant. The consultant shall be selected by and retained at the

discretion of the planning commission and paid by the applicant who is refusing to allow collocation from an interested service provider.

- c. *Evaluation.* Within ten working days of receiving the shared use response that was rejected by the applicant and disputed by the potential tower space lessee, the consultant shall review and prepare an evaluation. Three copies of the consultant's evaluations shall be sent to the planning commission. One of these copies shall be made an official part of the communication tower application, the others shall be forwarded to the applicant and interested provider by the code enforcement officer. The consultant's evaluation shall be considered advisory, and aid the planning commission in its review of the communication tower application.

All towers with a height of 150 feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association (EIA) standard 222E-1996, utilizing a wind rating of 80 miles per hour, plus ice loading for the city. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the state and competent in such design.

- (4) All towers shall have lot sizes and fall zones subject to the following standards:
 - a. A minimum lot size of 10,000 square feet is required for any lots holding a communications tower.
 - b. For "safe" or "self-collapsing" towers the fall zone, taking the shape of a circle, shall be setback from all property and leasehold lines by a distance determined by adding the height of the collapsing portion, plus ten percent of that height, plus an additional five feet.
 - c. For a guyed tower, or standard tower, the fall zone, also taking the shape of a circle, shall be setback from all property and leasehold lines by a distance determined by calculating 125 percent of the height of the tower.
 - d. For property owners that cannot meet these setbacks, legally recorded "fall zone" easements, drafted for the life of the tower, could be secured from adjoining property owner(s) and be presented to the city for deliberation and approval in lieu of meeting these setbacks.
- (c) *Fencing.* The entire site in either fee-simple ownership or leasehold procurement containing such tower and equipment shall be enclosed with a fence no shorter than six feet in height. Access gates will be locked at all times when the site is not occupied.
- (d) *Screening.* Where the tower site abuts, is within, or is contiguous to any zoning district, there shall be provided a continuous, solid screening of such plant materials as will provide a reasonable yearround evergreen screening. Screening, as required in this subsection, shall be not less than four feet in height at the time of planting, and shall be permanently maintained by the leaseholder or owner of the subject property. (See the definition of the term "buffer strip" in article I of this chapter.) In locations where natural timber growth previously exists and suffices to meet these definitions, to the satisfaction on of the enforcing officer, no additional screening is required. If natural timber growth exists, but it is not to the satisfaction of the enforcing officer, additional screening is required to augment the natural growth to meet such definitions.
- (e) *Tower illumination.* Towers shall not be artificially lighted, except as required by the Federal Aviation Administration (FAA).
- (f) *Access and parking.* An access drive is required to the site, and shall be a minimum of 20 feet in width at ingress and egress, being adequate for passage of automobiles and small trucks. The easement shall expand at tower site to a minimum of 25 feet at site allowing for two parking spaces.
- (g) *Noise.* A description of all audible noise-generating equipment, including the times and decibel levels of the noise which will be produced is required with the preliminary plat.

- (h) *Finish.* All equipment, antennas, poles or towers shall have a nonreflective finish and shall be painted or otherwise treated to minimize visual impacts. Antennas which will be viewed primarily against the skyline shall be painted light gray or light blue or other approved color.
- (i) *Public health.* No telecommunication facility shall be located or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC-adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the city, county, the state, or the federal government.
 - (1) *Initial compliance with nonionizing electromagnetic radiation (NIER) calculations levels.* Initial compliance with this subsection shall be demonstrated for any facility within 400 feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc., and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application the necessary permit or entitlement, of NIER specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed 80 percent of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer licensed by the state to measure NIER levels at such location after the facility is in operation. A report of these measurements and the findings with respect to compliance with the established NIER standard shall be submitted to the planning commission. Such facility shall not commence normal operations until it complies with this standard. Proof of such compliance shall be a certification provided by the engineer who prepared the original report.
 - (2) *Ongoing compliance with NIER levels.* Every telecommunication facility within 400 feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the planning commission. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where such levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80 percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the state to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the authors'/engineers' findings with respect to compliance with the current NIER standard shall be submitted to the planning commission within five years of facility approval and every five years thereafter. In the case of a change in the standard, the required report shall be submitted within 90 days of the date such change becomes effective.
 - (3) *Failed compliance.* Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement. Location of new towers is strongly encouraged on city property. or the public right-of-way. In consideration, the city will give notice to the communications tower entity whether it chooses to take possession of the tower after that entity informs the city that the tower is no longer needed. If the city declines to take possession, the provisions of subsection (k) of this section (abandonment), will apply.
- (j) *Signage.* Towers may not be used to exhibit any signage or other advertising of any sort. No proposed wireless telecommunication site should be designed, located or operated as to interfere with existing or proposed public safety communications.
- (k) *High voltage.* If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in the tower, warning signs shall be permanently attached to the exterior side of the perimeter fence and located every 20 feet. The signs shall display in bold letters at least eight inches high the following: "HIGH VOLTAGE—DANGER."

- (l) *Abandonment.* Any antenna or tower not operated for a continuous period of three months shall be considered abandoned, and the owner of such antenna or tower shall remove the tower or antenna within 90 days of receipt of notice from the building inspector. Prior to the issuance of a building permit or site plan approval, whichever occurs first, the property owners or tower operators shall submit all executed removal agreement to ensure compliance with this subsection. The removal agreement shall be in a form acceptable to the city attorney.
 - (1) *Surety for removal.* Prior to the issuance of a building permit, surety shall be submitted by the property owner or tower operator to ensure the removal of abandoned communication towers. The form of surety shall be subject to approval by the planning commission and city attorney. The required surety shall be irrevocable, unless released by the board of zoning appeals. The surety shall be utilized to cover the cost of removal and disposal of abandoned towers and shall consist of the following:
 - a. Submittal of an estimate from a certified structural engineer indicating the cost to remove and dispose of the tower;
 - b. A surety equivalent to 50 percent of the estimated cost to remove and dispose of the tower;
 - c. An agreement to pool multiple sureties of the tower owner or property owner required by this section to allow pooled surety to be used to remove abandoned towers; and
 - d. An agreement by the tower owner or property owner to replenish surety pool upon utilization of surety by the city.
 - (2) *Alternative to surety for removal.* The planning commission, subject to the review of the city attorney, may accept documentation from a tower owner that adequate resources or irrevocable contractual obligations are available to remove obsolete or abandoned communication towers.
- (m) *Retention of consultant.* The planning commission may utilize an outside consultant at the applicant's sole expense to review the application and make independent determinations and recommendations on issues including, but not limited to, the following:
 - (1) Compliance with radio frequency emission standards;
 - (2) Review of the written evidence, as outlined in subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) of this section, substantiating that collocation is not feasible;
 - (3) The identification of alternative solutions when the planning commission believes that the proposed facilities may create a significant impact to the surrounding area; or
 - (4) Review and/or verification of the NIER analysis.

Sec. 90-554. - Application requirements.

An application to develop a transmission and communications tower shall include as minimum the following:

- (1) All plot plan information cited in this chapter, which is deemed applicable by the planning commission.
- (2) All pertinent documentation required from section 90-553 not limited to certified notification for shared use, feasibility evaluations, noise description, and NIER reports.
- (3) A "Determination of No Hazard" from the FAA, as well as all required FCC permit information.
- (4) Documentation that any applicable leasehold is no more than 50 years in duration.
- (5) The names, addresses, and telephone numbers of all owners of other communications/transmission towers or support structures within a one-half mile radius of the proposed new tower site, including city-owned property.

- (6) An affidavit attesting to the fact that the project applicant made diligent, unsuccessful efforts to install or collocate the project applicant's telecommunications facilities on city-owned towers or useable antenna support structures located within a 3,000-foot radius of the proposed tower site.
- (7) If applicable, an affidavit attesting to the fact that no existing communications tower exists within a 3,000-foot radius. If a communications tower exists within the 3,000-foot radius and collocation is not available or appropriate, the applicant must provide an affidavit attesting to those issues. The intent of this affidavit shall illustrate that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's telecommunications facilities on towers or useable antenna support structures owned by other persons located within a 3,000-foot radius of the proposed tower site. The affidavit shall expound only the pertinent issues, point-by-point, outlined in subsections 90-553(a)(1), (a)(2), (a)(3), (a)(4) and (a)(5).
- (8) Building permits. In addition to the review processes required in this section, a building permit shall be required for all towers, support and accessory structures, and antenna attachments, except as otherwise provided by state or local law.
- (9) An annual site inspection fee of \$500.00, plus all costs incurred by the city for contracting with engineers, technicians and other persons necessary to provide the required inspection, for every communications tower or station shall be assessed by the city. The fee will be due and payable on January 15 of each year. This fee may be waived under the following conditions:
 - a. The owner or manager of the tower provides an inspection report that cites compliance to Millersville Zoning Ordinance, Subdivision V, Transmission and Communication Towers and Stations, no later than the second Friday of each December. Such report shall include the following:
 - 1. Structural integrity of tower and load-bearing elements;
 - 2. A written, comprehensive report of all electrical components by a certified professional (such as an inspector from the Tennessee State Electrical Inspector's office) indicating compliance with the most recent electrical codes;
 - 3. Electromagnetic radiation emissions for antennas and all electrical components (once every five years);
 - 4. Physical condition of fencing, parking area, access road; and
 - 5. Adherence to stormwater runoff and drainage parameters of the State of Tennessee and the City of Millersville.

Sec. 90-555. - Amateur radio stations.

- (a) No tower shall be placed within any required front, side, or rear setback area.
- (b) Towers shall be placed behind the rear building line of the principal structure of the lot.
- (c) All towers shall be properly grounded as per the National Electric Code, 810, section C.
- (d) Amateur towers greater than 100 feet in height are subject to the following additional provisions: at no time shall the fall radius of the tower include any habitable structure owned by the amateur. The applicant shall provide documentation of ownership, lease, or permanent easement rights for the entire fall radius of the tower. The tower shall be equipped with guards or other devices to prevent it from being climbed without authorization of the amateur. The applicant shall submit documentation to the enforcing officer for the city sufficient to show that all provisions of this section have been met.
- (e) Amateur towers located at a site other than the principal residence of a licensed ham operator shall meet the requirements for setbacks, fencing, screening, access/parking, as detailed under the

guidelines in this subdivision. However, amateur towers without ground-mounted equipment or buildings need only meet the requirements for access/parking and be designed so that they are not accessible to unauthorized climbing. Temporary towers may be erected for a maximum of 48 hours for special events or emergencies upon approval by the enforcing officer for the city. Because of their intermittent nature, these facilities solely for personal use, such as citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the amateur radio service, or for the incidental use of a collocated commercial activity shall be required to comply with applicable FCC rules for NIER emissions, but they shall be routinely exempt from the submission requirements in this section, unless otherwise required by the planning commission.

Item 8a











Chapter 90 - ZONING

ARTICLE III. - DISTRICTS

DIVISION 11. - SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

Subdivision III. - Signs, Billboards and Other Advertising Structures

Sec. 90-491. - Intent and objectives.

- (a) *Statement of purpose.* The purpose of this subdivision is to promote the well-being of the community by establishing standards that ensure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of this subdivision to:
- (1) Protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
 - (2) Ensure proper exposure of signs to their intended viewers;
 - (3) Protect the right of individuals to privacy and freedom from nuisances;
 - (4) Protect the value of property and improvements thereon;
 - (5) Permit signs that are constructed and maintained in a safe condition;
 - (6) Ensure that signs are constructed and maintained in a safe condition;
 - (7) Encourage design that enhances the readability and effectiveness of signs;
 - (8) Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
 - (9) Reduce traffic hazards;
 - (10) Eliminate obsolete signs;
 - (11) Provide an efficient and effective means of administration and enforcement.
- (b) *Scope.* Except for signs that are prohibited in all districts in section 90-494, the regulations of this subdivision shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures. This subdivision shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of this subdivision.

Sec. 90-492. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Awning means any nonrigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Awning sign means a sign placed directly on the surface of an awning.

Banner means a sign that is mounted on or attached to a nonrigid surface such as cloth, fabric, or paper.

Billboard. See *Off-premises sign*.

Bulletin board sign means a particular type of changeable copy sign that displays copy in a casement made of glass or plexiglass.

Canopy means an extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Canopy sign means a sign attached to a canopy.

Copy means the characters, letters, or illustrations displayed on a sign face.

Frontage, building, means the length of a building that faces a street, parking area, or private drive.

Illegal sign means a sign that was constructed in violation of regulations that existed at the time it was built.

Marquee means a permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

Marquee sign means a sign attached to and made part of a marquee or any other similar projection from a building.

Nonconforming sign means a sign that met all legal requirements when constructed, but that is not in compliance with this subdivision. An illegal sign is not a nonconforming sign.

Sign means any writing (including letter, word or numeral), pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); inflatable devices; or any other figure of similar character, which:

- (1) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (2) Is used to announce, direct attention to, or advertise; and
- (3) Is visible from outside a building.

Sign, abandoned, means any sign in which the functions of direction and/or identification of a bona fide business, lessor, owner, product or activity conducted or product available are obsolete.

Sign, accessory, means any sign that directs attention to a person, activity, or commodity on the same zone lot.

Sign, advertising, means a sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the same zone lot, including any expressive sign larger than 15 square feet; or directs attention to any brand name or trade name product that may be incidentally available on the same zone lot as the sign provided the establishment offering the product is not associated with the brand or trade name of the product being advertised.

Sign, animated, means a sign that is animated, moving, rotating or appears to be animated, moving or rotating.

Sign, banner, means a sign having the copy applied to cloth, paper, or fabric of any kind with only such material for a backing. The term "banner" shall include animated and/or fluttering devices designed to attract attention.

Sign, building mounted, means any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign, except a sign attached to any upright pole or support when the sign is wider than such pole or support, which shall be considered a freestanding sign.

Sign, changeable copy, means a sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed readerboards and fuel price displays.

Sign, civic, means a type of accessory sign that identifies or provides related information about community facility activity types.

Sign, development, means a type of incidental sign that denotes the future facility, the architect, the engineer, the contractor, the lending agency and/or the developer on a construction site.

Sign, direct illumination, means all illuminated signs not included in the definition of the terms "sign, luminous background," and "sign, indirect illumination."

Sign, directional, means any sign which provides information relative to safely identifying vehicular entrances and exits to parking lots or traffic circulation areas for activities. Directional signs may include logo, symbols or a business name and shall not exceed three square feet in size nor 30 inches in height. Such signs shall be located on the private premises and only one shall be installed per driveway.

Sign, directory, means a sign which lists the names of individuals, businesses, or products available at a single site.

Sign, expressive, means any sign that express an opinion, feeling or point of view, such as political, ideological, religious, campaign, and good will signs. Depending on its size, and expressive sign may be an incidental, temporary, or permanent advertising sign.

Sign, freestanding, means any sign that is not attached to or supported by any building or other structure that has a purpose other than solely to support the sign and any sign attached to any upright pole or supports when such sign is wider than such pole or support.

Sign, handtacked, means a temporary advertising sign commonly attached, tacked, hung, or suspended from any available structure, usually intended to announce an upcoming event such as a music performance, garage sale, or church bazaar.

Sign, incidental, means an accessory sign intended primarily for the convenience or direction of the public including: accessory residential signs smaller than three square feet that indicate name, address or home occupation; signs that indicate the types of credit available at a business; realty signs; signs with information that is warning in nature, such as "danger," "no trespassing," or "beware of dog"; signs indicating temporary events such as a garage sale or open house; political yard signs; and expressive signs smaller than three square feet.

Sign, indirect illumination, means any illuminated sign which is either a sign illuminated entirely from an external artificial source or an illuminated sign which all attached or internal artificial sources of illumination are not directly visible or are shielded by an opaque material.

Sign, large residential, means a type of accessory sign larger than three square feet that indicates the name and/or address of a residential activity type that contains four or more dwelling or rooming units; and shall include a sign at the principal entrance to any subdivision or residential planned development that contains more than 12 dwelling units.

Sign, luminous background, means a sign created by transilluminating or backlighting of a translucent plastic or glass panel, or panels of similar material, which may be integrally pigmented, painted, or opaqued.

Sign, monument, means a freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.

Sign, permanent, means any permitted sign which is not restricted as to the duration of time it can be displayed.

Sign, portable, means any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings.

Sign, projecting, means any sign that:

- (1) Is attached to a wall and projects outward from the wall more than 12 inches; or

- (2) Is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee.

Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Sign, realty, means a type of incidental sign that temporarily provides information regarding the sale, lease or rent of the premises or any improvements thereon which is no larger than nine square feet.

Sign, structure, means a structure, including uprights, supports, frames, display surfaces, and other appurtenances, intended to support and display one or more signs.

Sign, wall, means a type of building mounted sign that is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee; that does not project outward more than 12 inches from the surface to which it is attached; and in which the sign face is parallel to the plane of the surface to which it is attached.

Sec. 90-493. - Exempt signs and temporary signs.

(a) *Exempt signs*. The following are exempt from the provisions of this chapter or from the requirement to obtain a sign permit:

- (1) Address and name of resident: Signs indicating address and/or name of residential occupants of the premises, not exceeding two square feet in area, and not including any commercial advertising or identification.
- (2) Artwork: Works of art that do not include any commercial messages or references.
- (3) Construction signs: Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- (4) Decals: Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishments.
- (5) Directional signs: Signs giving on-site directional assistance for the convenience of the public, not exceeding two square feet in area or located closer than five feet to any property line. Directional signs may be internally lit or illuminated by white light only.
- (6) Flags, emblems, insignia, and banners: Of any governmental agency or religious, charitable, public or nonprofit organization, subject to the following: No single flag that is flown shall exceed 40 square feet in area and no single zoning lot shall fly more than three such flags. If the total area of such flags exceeds 72 square feet, the excess area shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed 25 feet in height. Wall-mounted flags, emblems, insignia, and banners shall be limited to one per zoning lot and shall not exceed 40 square feet in area.
- (7) Handicapped parking space sign: Signs not exceeding two square feet in area reserving parking spaces for handicapped motorists.
- (8) Home occupation signs: On-premises identification signs for home occupations shall not exceed two square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
- (9) Public signs: Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the board of commissioners or under the direction of the board of commissioners.
- (10) Seasonal signs: Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.

- (11) Security and warning signs: On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting," and "no soliciting" signs, that do not exceed two square feet in area in residential areas and five square feet in commercial and industrial areas.
 - (12) Temporary real estate signs: Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one sign per property not exceeding six feet in height and not exceeding four square feet in area in residential zones and eight square feet in area in all other zones. Such signs shall be removed within seven days of the settlement or lease of the property.
- (b) *Temporary signs requiring approval.* The following signs may be erected only after approval from the enforcing officer. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, the administrator may remove it and charge the costs of removal to the individual or enterprise responsible.
- (1) Special event signs: Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two temporary signs including portable signs, twice during the calendar year for a period not to exceed 30 days. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.
 - (2) Temporary farm products signs: Temporary on-premises signs announcing the availability of seasonal farm products. The number of signs shall not exceed two and the total area of all such signs shall not exceed 20 square feet, nor shall any sign exceed six feet in height.
 - (3) Construction signs: Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one construction sign not exceeding 20 square feet in area and eight feet on height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.
 - (4) Auction signs: Signs announcing and directing the public to the auction site shall be limited to a maximum of five signs per event and shall not exceed 16 square feet, except on the auction site itself, and this sign shall not exceed 32 square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one business day following the event. Any sign not complying with this chapter shall be removed at the owner's expense and be subject to penalty.
 - (5) Temporary political signs: On-premises temporary political signs may be located in any residential, commercial, or industrial district. A permit, one per candidate displaying signs, is required and must be obtained prior to the placement of these signs. The candidate and person obtaining the permit shall be responsible for the removal of the signs. Additional provisions shall be as follows:
 - a. Political signs shall only be placed and/or displayed within 45 days prior to the date of election and must be removed within seven days following the date of election.
 - b. Signs shall not exceed 16 square feet in size.
 - c. If more than one sign per candidate is displayed on the same lot, the total sign square footage for each candidate may not exceed 16 square feet per 150 lineal feet of road frontage.
 - d. No political signs may be placed on any property, or the right-of-way adjacent to the property, without the permission of the property owner.
 - e. Signs shall not be placed closer than ten feet from the paved edge of any public street or paved shoulder of such street.

- f. Placement of legally permitted political signs on public street rights-of-way shall be exempt from the enforcement provisions of section 90-494(a)(5). Such exemption from enforcement is provided solely by the city and does not grant authority to place signs in a right-of-way owned by the state or any other right holder and shall not limit the enforcement of restrictions by the right-of-way owner. The signs are not granted rights or protection within the right-of-way and may be at risk of removal, damage, or other mishap resulting from the use or care of the right-of-way.
- g. Political signs shall be exempt from the regulations of temporary signs specified in section 90-497(3), Location of temporary signs, provided the signs meet all regulations set forth in this subsection.
- h. On election day and on days of early voting at city hall, political signs may be displayed on city hall property in accordance with regulations set forth in section 2-1. No trailers displaying political signs may be parked on city hall property.

Sec. 90-494. - General provisions.

(a) *General standards.*

- (1) No sign, except for those specified in section 90-493(a), shall be erected until a permit has been obtained in accordance with the provisions of this chapter.
- (2) No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- (3) No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- (4) On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of 2½ feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along such street lines 50 feet from the point of the intersection.
- (5) No sign other than duly authorized governmental signs shall be erected or maintained within any public street right-of-way.
- (6) No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects.
- (7) No sign shall obstruct any doorway, window, or fire escape.
- (8) The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine or reflect on or into any residential structure.
- (9) All pole and monument signs shall be limited to no more than eight items of information.

(b) *Surface area display standards.*

- (1) The supports or uprights and any covering thereon on which one or more signs is mounted shall not be included in the display surface area.
- (2) On signs in which the copy together with the background are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- (3) On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter

composed of one or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.

- (4) When two sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel or from an angle not exceeding 30 degrees, only one of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds 30 degrees, then both faces shall be used to compute the display surface area.
- (5) In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- (6) On a corner lot, a permitted sign may be located along each street frontage.
- (c) *Height of signs.* The following general rules shall apply in the determination of the height of signs:
 - (1) The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.
 - (2) The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.
- (d) *Signs prohibited in all districts.* The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal:
 - (1) Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified in this subdivision;
 - (2) Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;
 - (3) Signs which are made structurally sound by guy wires or unsightly bracing;
 - (4) Signs which contain any kind of strobe or pulsating lights;
 - (5) Animated signs;
 - (6) Banner signs, except as permitted in section 90-493;
 - (7) Any sign with direct illumination provided by exposed bulbs or lamps;
 - (8) Off-premises signs, except as permitted in this subdivision;
 - (9) Flashing signs;
 - (10) Handtacked signs, on utility poles, fence posts and trees;
 - (11) Portable signs, except as permitted in section 90-493;
 - (12) Roof signs.

Sec. 90-495. - Signs permitted in residential districts.

Within the residential districts, the following signs are permitted subject to the provisions set forth in this section:

- (1) *Community facility activities.*
 - a. A community facility activity may have one civic sign constructed as a monument sign or a wall sign.

- b. A monument sign shall not exceed four feet in height and 25 square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of six feet.
- c. A wall sign shall not exceed 50 square feet in size.
- d. Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- e. Civic signs shall be set back from the street right-of-way and property lines, a minimum of eight feet.

(2) *Development signs.*

- a. A development sign may be located at the major entrance to a new development. Such sign shall be removed within one year of the approval of the development by the planning commission, provided that in the case of a multiyear development the time for removal may be extended by the enforcing officer one additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.
- b. A development sign shall not exceed 300 square feet in size nor 15 feet in height.
- c. A development sign shall not be lighted.
- d. Any development sign shall be set back from the street right-of-way a minimum of 20 feet.

(3) *Large residential signs.*

- a. Subdivision identification signs may be permitted at the main entrance to a subdivision.
- b. Each subdivision is allowed a maximum of two identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.
- c. All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- d. A subdivision identification sign shall not exceed 25 square feet in size.
- e. The maximum height of such signs shall be four feet when constructed as a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of six feet.
- f. All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowners association.
- g. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

Sec. 90-496. - Permitted signs in commercial and industrial districts.

Within the commercial and industrial districts, the following signs are permitted, subject to the provisions as set forth in this section:

- (1) *Commercial district signs.* Within commercial (excluding highway commercial) districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in subsections (1)d, (1)e, and (1)f of this section. All other sign types are prohibited.
- b. A use may be permitted to have one projecting sign attached to the front of the building subject to the following standards:
 1. Such sign shall not exceed 80 square feet in display surface area.
 2. Such sign shall not exceed 20 feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roofline of the building to which it is attached.
 3. Such sign shall clear the established grade by a minimum of ten feet.
 4. Such sign shall be no closer than 25 feet to any other projecting sign.
 5. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- c. Wall signs are permitted, subject to the following standards:
 1. Such sign shall not exceed 50 square feet in display surface area.
 2. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
 3. Such sign shall not extend above the roofline of the building to which it is attached nor shall such sign project outward from the building more than 12 inches.
 4. Such sign placed in the horizontal space between windows of a two story building shall not exceed in height more than two-thirds of the distance between the top of the window below and the sill of the window above.
 5. Such sign shall not cover or interrupt major architectural features of the building.
 6. If a use utilizes both wall and projecting signs, the total display surface area shall not exceed 80 square feet.
 7. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- d. If a use on a lot is set back from the public right-of-way a minimum of 30 feet and has off-street parking, then such use may utilize one ground or pole sign subject to the following standards. All other signs on the same lot shall be wall signs:
 1. Such sign shall have a maximum display surface area of 50 square feet. The maximum display surface area for all signs on the same lot shall be 125 square feet.
 2. The maximum height of a pole sign shall be 30 feet and of a ground sign four feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of six feet.
 3. The number of signs permitted on a sign structure shall be limited to one sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of 20 square feet.
 4. Such sign shall be set back from the right-of-way a minimum of eight feet.
- e. A commercial complex of two or more acres, which is set back from the right-of-way a minimum of 30 feet and has off-street parking may utilize the following provisions:

1. A commercial complex may be permitted one pole or ground sign for each street frontage identifying the name of the complex or business. If a street frontage is in excess of 250 feet in length, one additional such sign shall be permitted. The maximum size of each such sign shall be a ratio of one-half to one of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum sign area of 100 square feet. Such sign shall not exceed 30 feet in height or the height of the building, whichever is less, if a pole sign; or four feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of six feet. If the ratio of one-half to one results in a sign less than 50 square feet in size, then a minimum size sign of 50 square feet shall be permitted.
2. Additional signage may be permitted on the buildings within the complex and shall be either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall not exceed five percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
3. In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in this subsection (1).
4. A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten square feet and the maximum height shall be six feet.
- f. Signs may be illuminated subject to the following standards:
 1. Exposed bulbs or luminous tubes are prohibited.
 2. No sign shall change color or intensity.
 3. In no event shall the light from any illuminated sign exceed one footcandle at the property line of any lot that is zoned residential or agricultural.
 4. The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.
 5. Electronic scrolling message signs will be permitted in C-1 zones only. These signs must meet all provisions of this subsection, and:
 - i. These signs shall be permanently embedded in a stone, masonry or steel monument or pylon sign.
 - ii. The electronically generated message of the full signboard shall not change at an interval greater than four times per minute.
 - iii. Continuous streaming, special effects and moving scene depiction on these signs are prohibited.
- (2) *Highway commercial and industrial district signs.* Within the highway commercial and industrial districts, the following standards for signs shall apply:
 - a. Accessory business and civic signs are permitted as follows:

1. A use on a lot shall be permitted to have one ground or pole sign per street frontage. The maximum display surface area shall be 80 square feet. The maximum display surface area for all signs on the same lot shall be 160 square feet.
 2. The maximum height shall be 25 feet for a pole sign and four feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four feet in height to a maximum of six feet.
 3. Either type sign shall be set back from the right-of-way a minimum of eight feet.
 4. The number of signs permitted on a sign structure shall be limited to one sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of 20 square feet.
 5. In addition to the signage permitted, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained in subsection (1)c of this section.
 6. A commercial complex shall be subject to the provisions contained in subsection (1)e of this section.
- b. For those business or uses located at the I-65 interchange, the following additional provisions shall apply:
1. The maximum height for a pole sign shall be 100 feet.
 2. The maximum display surface area for a pole sign shall be 100 square feet. The maximum display surface area for all signs on the same zone lot shall be 175 square feet.
- c. Interstate off-site advertising signs may be permitted only within the highway commercial and industrial along the I-65 highway corridor, and oriented thereto and subject to the following standards:
1. All off-site advertising signs shall be freestanding and mounted upon a single support pole, and shall not be double stacked or constructed side by side.
 2. The maximum display surface area shall be 675 square feet.
 3. An off-site advertising sign shall not be located on the same lot as any other use.
 4. No advertising sign shall be located on or extend across any public right-of-way.
 5. No new advertising sign shall be erected by a sign company until it has removed an equal number of nonconforming advertising signs which it operates.
 6. The minimum distance between off-site advertising signs located along and oriented toward the same public street shall be 2,000 feet and shall be applied as follows: The spacing requirements shall be applied separately to each side of a public street.
 7. No off-site advertising sign shall be located closer than 1,000 feet from any other such sign regardless of location or orientation.
 8. The maximum height of advertising signs shall be 50 feet above the elevation of the pavement nearest the sign.
 9. No advertising sign shall be located closer than 500 feet from any property zoned residential.
- (3) *General off-site advertising signs.* General off-site advertising signs may be permitted within any commercial or industrial district subject to the following standards:
- a. The maximum display area shall be 72 square feet.

- b. These signs shall be limited to a maximum height of 16 feet with a minimum of ten feet from the ground to the bottom of the sign face.
- c. An off-site advertising sign shall be setback a minimum of 12 feet from any public right-of-way. This distance is measured from the leading edge of the sign.
- d. All off-site advertising shall be no closer than 1,000 feet from any other off-site sign, measured along the road right-of-way.
- e. All off-site signs shall be at least 100 feet from any residential district or 250 feet from any residential district along the same side of the road.
- f. All off-site signs must meet the minimum side or rear setbacks for the district which they are located.
- g. Off-site signs erected or placed on developed lots must maintain a spacing of 100 feet from any permanent freestanding sign.
- h. In the event that a business cannot meet the stipulations in this section, then a one-time allowance for a grand opening of a business, as described on the original business license issued, may advertise off-site on one commercial property that is no greater than 600 feet away from the building of the business in question. Such signs shall not be displayed publicly for a period longer than 60 days. The sign shall be no greater than 20 square feet, and can be a part of an existing, legal, conforming/nonconforming sign.

These limited, temporary signs shall not be free standing banner signs, be placed in the public right-of-way, create a public safety hazard of any type, or be placed on another building/structure. If the same business type continues with the new management, then this allowance can be repeated if a new business license is filed in place of the original.

Sec. 90-497. - Temporary sign provisions.

Temporary signs shall be permitted for any lawful activity on a lot or parcel, subject to the provisions set forth in this section:

(1) General requirements.

- a. All temporary signs are required to obtain a yearly permit to place one temporary sign on a parcel or lot. Each permit shall be issued for a 12-month period to be renewed the first month of each year. These permits will be \$25.00 to assist in the cost of administration of this section.
- b. Banners may be used as temporary signs.
- c. All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
- d. No temporary sign shall be displayed on a roof.
- e. No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the general public.
- f. Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to three items of information.

(2) Display surface area, height, and illumination.

- a. Maximum display surface area shall be 35 square feet except for street banners which shall not be limited.

- b. Maximum height shall be ten feet, except that banners displayed over a public street shall have a minimum clearance of 15 feet.
- c. Temporary signs shall not be illuminated except in commercial or industrial districts.
- d. No sign shall flash or pulsate in any way.
- e. Any sign that is lighted shall be done in compliance with the National Electrical Code.

(3) *Location of temporary signs.*

- a. All temporary signs shall setback a minimum of five feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhand or encroach on any street right-of-way at any time.
- b. The minimum distance between any two such signs on the same lot shall be 150 feet.
- c. No temporary signs shall be closer than 50 feet from any permanent sign.

Sec. 90-498. - Nonconforming and noncomplying sign provisions.

Any sign lawfully existing at the time of the enactment of this chapter but which is not permitted either by type of sign, location, or district or which fails to meet the standards or regulations shall be classified as either nonconforming or noncomplying.

- (1) *Removal of temporary nonconforming signs.* Nonconforming portable and handtacked signs and signs in a public right-of-way shall be removed within 45 days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within 45 days.
- (2) *Alterations to nonconforming and noncomplying signs.* A nonconforming or noncomplying sign may be altered subject to the following conditions:
 - a. The proposed alteration is not greater than 50 percent of the total sign structure or alteration costs are not greater than 50 percent of its depreciated value.
 - b. The total copy of an advertising sign may be changed in accordance with normal business practices.
 - c. The proposed alteration conforms to the provisions of this chapter.
 - d. No new nonconformance or noncompliance is created.
- (3) *Damage or destruction of nonconforming and noncomplying signs.* When any such sign is damaged or destroyed from any cause to the extent of 50 percent of the sign structure or to the extent of 50 percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this chapter. Except 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.

Item 8b

TENNESSEE CODE ANNOTATED
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*** Current through the 2014 Regular Session ***

Title 68 Health, Safety and Environmental Protection
Safety
Chapter 110 Organized Camps

Tenn. Code Ann. § 68-110-101 (2014)

68-110-101. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Commissioner" means the commissioner of health or the commissioner's authorized representative;

(2) "Department" means the department of health;

(3) (A) "Organized camp" means any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group-living experience for children or adults, or where one (1) or more permanent or semipermanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation;

(B) "Organized camp" is not intended to include a hunting, fishing or other camp privately owned and used exclusively for the personal pleasure of the owner and the owner's guests;

(C) "Organized camp" is not intended to include a camp site on property owned by a church and used exclusively for the personal pleasure of the members of the church and such member's guests, if:

(i) No permanent or semipermanent structures or buildings are established or maintained on the camp site as living or sleeping quarters, restrooms, or for a cafeteria or kitchen, to provide an outdoor group-living experience for children or adults;

(ii) The camp site is used for occasional weekend or overnight camping experiences for such persons; and

(iii) The camp site contains no electrical, sewage or water hookups or pads to accommodate travel trailers, truck coaches or campers, tent campers and other similar

camping vehicles;

(4) "Person" means any and all persons, including any:

(A) Individual, firm, or association;

(B) Municipal or private corporation organized or existing under the laws of this or any other state;

(C) State;

(D) Municipality, commission, or political subdivision of a state;

(E) Interstate body;

(F) Governmental agency of this state; and

(G) Department, agency or instrumentality of the executive, legislative, or judicial branches of the federal government;

(5) "Public health officer" means the director of a city, county, or district health department having jurisdiction over the community health in a specific area, or the officer's authorized representative; and

(6) "Travel camp" means any organized camp in which provisions are made for the accommodation of travel trailers, truck coaches or campers, tent campers, tents, and other camping vehicles.

68-110-102. Rules and regulations governing camps.

It is the duty of the commissioner to adopt rules and regulations deemed necessary for the protection of the health and safety of persons using camps or living adjacent to camps.

68-110-103. Permits.

(a) No place or site within any political subdivision of the state of Tennessee shall be established or maintained by any person as an organized camp, unless the person holds a valid permit issued by the commissioner or public health officer in the name of the person for the specific organized camp.

(b) The commissioner or public health officer is authorized to issue, suspend, or revoke permits in accordance with this chapter and any rules and regulations that may be adopted by the department under the authority of this or other applicable laws.

(c) The annual permit fee to operate an organized camp shall be in accordance with the following schedule. As used in this subsection (c), a "travel campsite" is a designated

camping space that is equipped with utility connections. [Click here to view image.](#)

(d) If the permit fee is delinquent for more than thirty (30) calendar days, a penalty of one half (1/2) the permit fee shall be added to the permit fee. If a check is returned for any reason, a penalty of one half (1/2) the permit fee shall be added to the permit fee. The permit fee, plus any penalty, shall be paid to the commissioner before the permit is issued.

(e) The permit shall be kept and displayed in a conspicuous manner, properly framed, at the organized camp for which it was issued.

(f) Ninety-five percent (95%) of permit fees, fines, and penalties collected within a contract county pursuant to this chapter shall be conveyed by contract to the respective county health department to assist such county health department in implementing the program in the local jurisdiction. This amount shall be calculated based upon fees collected in the contract county during the state's fiscal year multiplied by ninety-five percent (95%).

(g) No contract county currently charging a local permit fee shall charge a local permit fee. By July 30 of each year, each contract county shall provide a report to the commissioner for the preceding fiscal year documenting the total cost relative to carrying out the provisions of the contract and the amount of permit fees collected. The report shall be on a form provided by the commissioner.

68-110-104. Inspections -- Right-of-entry.

(a) The commissioner or public health officer is authorized and directed to make inspections to determine the conditions of organized camps, in order that the commissioner or officer may perform such person's duty of safeguarding the health and safety of occupants of organized camps and of the general public.

(b) The commissioner and public health officer 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 or of regulations promulgated under this chapter.

68-110-105. Enforcement of chapter -- Local requirements to conform with departmental requirements.

(a) It is the duty of the local public health officers or the commissioner, when the commissioner determines that this chapter is not being adequately enforced, to enforce this chapter.

(b) All ordinances, rules, regulations, and other requirements adopted by the boards of health or local governing bodies shall at least conform to the reasonable requirements that may have been established by the department and shall not be inconsistent with such rules and regulations as may be adopted by the department.

68-110-106. Penalties.

Any person who violates this chapter or the rules and regulations adopted pursuant to this chapter, or fails to perform the reasonable requirements of the department or public health officer after receipt of ten (10) days' written notice of such requirements, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. Each day of continued violation after conviction constitutes a separate offense.

HISTORY: Acts 1965, ch. 65, § 6; T.C.A., §§ 53-3806, 68-28-106.

**RULES
OF
TENNESSEE DEPARTMENT OF HEALTH
BUREAU OF HEALTH SERVICES ADMINISTRATION
DIVISION OF GENERAL ENVIRONMENTAL HEALTH**

**CHAPTER 1200-1-5
ORGANIZED CAMPS**

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1200-1-5-.01 DEFINITIONS.

- (1) "Commissioner" means the Commissioner of the Department of Health or the Commissioner's authorized representative.
- (2) "Critical item" means an aspect of operation or condition of facilities or equipment which, if in violation, constitutes the greatest hazard to health and safety.
- (3) "Day Camp" means an organized camp program that campers attend for an established period of time, returning to their homes at night, and which provides creative, recreational and educational opportunities in the out-of-doors.
- (4) "Department" means the Department of Health.
- (5) "Extensively remodeled" means alteration to change bed or sleeping capacity, as well as the increase or decrease of floor space.
- (6) "Imminent health hazard" means any condition, deficiency, or practice which, if not corrected, is very likely to result in illness, injury, or loss of life.
- (7) "Motor home" means any motorized vehicle designed as a temporary dwelling for travel, recreational, or vacation use.
- (8) "Natural swimming area" means a portion of a river, lake, reservoir, creek, pond, or stream used for swimming within the organized camp.
- (9) "Organized camp" means an area, place, parcel or tract of land on which facilities are established or maintained to provide an outdoor group-living experience for children or adults, or where one (1) or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation; provided, however, that this definition is not intended to include
 - (a) a hunting, fishing or other camp privately owned and used exclusively for the personal pleasure of the owner and the owner's guests;
 - (b) a camp site on property owned by a church and used exclusively for the personal benefit of the members of the church and such members' guests, if:

(Rule 1200-1-5-.01, continued)

1. no permanent or semi-permanent structures or buildings are established or maintained on the camp site as living or sleeping quarters, restrooms, or for a cafeteria or kitchen, to provide an outdoor group-living experience for children or adults;
 2. the camp site is used for occasional weekend or overnight camping experiences for such persons; and the camp site contains no electrical, sewage, or water hookups or pads to accommodate travel trailers, truck coaches or campers, tent campers, and other similar camping vehicles.
- (c) facilities permitted as hotels as defined in Hotel Rules 1200-23-4.
- (10) "Owner/Operator" means the applicant, permittee, or other person to be in charge of an organized camp.
 - (11) "Permanent structure" means a building and appurtenances at a fixed location maintained for living, sleeping, educational, social, recreational, religious instruction, physical education, health, or vacation purposes.
 - (12) "Person" means any and all persons, including an individual, firm, association, municipal or private corporation, state, municipality, commission, political subdivision of a state, interstate body, governmental agency of this state and a department, agency, or instrumentality of the branches of the federal government.
 - (13) "Primitive camp" means an organized camp established for tent camping only.
 - (14) "Public health officer" means the director of a city, county, or district health department having jurisdiction over the community health in a specific area, or the officer's authorized representative.
 - (15) "Resident camp" means one or more permanent or semi-permanent structures maintained for living, sleeping, educational, social, recreational, religious instruction, physical education, health, or vacation purposes.
 - (16) "Semi-permanent structure" means any temporary or portable facility maintained for living, sleeping, educational, social, recreational, religious instruction, physical education, health, or vacation purposes.
 - (17) "State Fire Marshal's Office" means the Department of Commerce and Insurance, Division of Fire Prevention.
 - (18) "Tent camper" means a towed vehicle constructed so that the sides or top may be extended when parked and retracted while towed and designed as a temporary dwelling for travel, recreational, or vacation use.
 - (19) "Travel camp" means one or more sites for motor homes, travel trailers, truck campers, tent campers, or tents.
 - (20) "Travel camp sites" means designated camping spaces which are equipped with utility hookups.
 - (21) "Travel trailer" means a towed vehicle designed as a temporary dwelling for travel, recreational, or vacation use.
 - (22) "Truck camper" means a portable structure without a chassis or wheels and built for transport by truck and designed as a temporary dwelling for travel, recreational, or vacation use.

Authority: T.C.A. §§4-5-202, 53-3802, 68-110-101, and 68-110-102. **Administrative History:** Original rule certified June 7, 1974. Repeal and new rule filed May 6, 2002; effective July 20, 2002.

1200-1-5-.02 PLANS AND SPECIFICATIONS.

- (1) Construction or extensive remodeling of an organized camp shall require approval of plans which shall show:
 - (a) area and dimensions of the site to a scale of not less than 1" = 100';
 - (b) property lines;
 - (c) number, location, and dimensions of all camping spaces;
 - (d) number, size, type, and location of all permanent and semi-permanent structures;
 - (e) location of water supply and sewage disposal;
 - (f) location and width of roads; and
 - (g) number, location, and type of acceptable fire fighting equipment.
- (2) Plans and specifications shall indicate the proposed layout arrangement, mechanical plans, construction materials, work areas, and the type and model of proposed fixed equipment and facilities.
- (3) No person shall commence construction, extensive remodeling or conversion, within an organized camp, of any permanent structure which is two or more stories in height consisting of twelve or more units until plans or specifications therefor have been submitted to and approved in writing by the State Fire Marshal's Office or other authority having jurisdiction in accordance with applicable law and rules.
- (4) No person shall commence construction, extensive remodeling or conversion, within an organized camp, of any place of assembly having a capacity of three hundred (300) or more persons until plans and specifications therefor have been submitted to and approved in writing by the State Fire Marshal's Office or other authority having jurisdiction in accordance with applicable law and rules.
- (5) Except as specified in paragraphs (3) and (4), no person shall commence construction, extensive remodeling or conversion, within an organized camp, of any permanent structure until plans and specifications therefor have been submitted to and approved in writing by the Commissioner.
- (6) All structures within an organized camp shall be designed and constructed in compliance with all applicable state and local building and fire codes.

Authority: T.C.A. §§4-5-202, 53-3802, and 68-110-102. **Administrative History:** Original rule certified June 7, 1974. Repeal and new rule filed May 6, 2002; effective July 20, 2002.

1200-1-5-.03 PERMITTING AND INSPECTION.

- (1) Application Procedures
 - (a) A person planning to construct, operate, or change ownership of an organized camp shall submit a written permit application with the proper fee, as set forth in T.C.A. 68-110-103, to the Commissioner.
 - (b) A person planning to operate an organized camp must obtain a written application for a permit on a form provided by the Commissioner through the local county health department prior to operating an organized camp.
 - (c) An application for a permit is required for an organized camp that has not previously been permitted or in instances when ownership changes.
 - (d) For the purposes of determining a change of ownership of an organized camp, a "person" shall include a change of ownership of the organized camp by a corporation (e.g., Corporation A sells its organized camp to Corporation B) or a change of ownership of a corporation which owns an

(Rule 1200-1-5-.03, continued)

organized camp. If there is no change in the federal tax identification number applicable to the corporation which owns the organized camp, there is no change of ownership for permit purposes.

- (e) The Commissioner shall issue an organized camp permit
 - 1. upon receiving a completed application with applicable fees; and
 - 2. after an inspection of the proposed facility reveals that the facility is in compliance with requirements of these rules.
- (2) Inspection Procedures
 - (a) The Commissioner shall inspect or cause to be inspected every organized camp at least once every six (6) months or as often as deemed necessary by the Commissioner.
 - (b) Inspection results for organized camps shall be recorded on standard departmental forms which summarize the requirements of the law and rules.
 - (c) The scoring system shall include a weighted point value for each requirement in which critical items are assigned values, at the discretion of the department, of either four (4) or five (5) points, with non-critical items having assigned values of either one (1) or two (2) points.
 - (d) The rating score of the facilities shall be the total of the weighted point values for all violations subtracted from one hundred (100).
- (3) The organized camp shall be accessible for inspection and not be subject to flooding during the camping season.
- (4) Critical item violations shall be corrected within ten (10) calendar days from the date of the inspection. The inspection report shall state that failure to comply with any time limits for correction may result in suspension of permit or cessation of operation.
- (5) The citation of a violation of a non-critical item may be appealed, upon receipt of a written request submitted to the Director of General Environmental Health within ten (10) calendar days following the date of the inspection report. If the tenth (10th) day falls on a weekend or state holiday, the first work day following shall be treated as the tenth (10th) day. The request for appeal shall identify the non-critical item(s) being appealed. The final determination on the appeal shall be made by the Director or the Director's Designee in writing and within a reasonable time after receipt of the request for an appeal.
- (6) The citation of a violation of a critical item may also be appealed upon the receipt of a written request submitted to the Director of General Environmental Health within ten (10) calendar days following the date of the inspection report. If the tenth (10th) day falls on a weekend or state holiday, the first work day following shall be treated as the tenth (10th) day. The request for appeal shall identify the critical item(s) being appealed. The decision of the Director shall be final and made in writing within a reasonable time of the request for an appeal.
- (7) Upon declaration of an imminent health hazard by the Commissioner, the facility shall immediately cease operations until authorized to reopen. A request for a hearing may be made in writing to the Commissioner postmarked or received within ten (10) calendar days of the decision of the Director.
- (8) The Commissioner shall suspend an organized camp permit, if the Commissioner has reasonable cause to believe that the permittee is not in compliance with the provisions of this part; provided, however, the permittee shall be given the opportunity to correct violations as provided in Rule 1200-1-5-.03(4).

(Rule 1200-1-5-.03, continued)

The Commissioner may provide a notice of suspension on the regular inspection report or by letter. A written request for a hearing on a suspension must be filed by the permittee within ten (10) days of receipt of notice. If a hearing is requested, it shall be held within a reasonable time of the request. If no request for a hearing is made within ten (10) days of receipt of notice, the suspension becomes final and not subject to review. When a permit suspension is effective, all operations must cease. The Commissioner may end the suspension at any time, if reasons for suspension no longer exist in the opinion of the Commissioner.

(9) Permit Revocation

- (a) After providing an opportunity for a hearing, the Commissioner or his duly authorized representative may revoke a permit for serious or repeated violations of requirements of this part or for interference with the Commissioner in the performance of the Commissioner's duty.
 - (b) Prior to revocation, the Commissioner shall notify, in writing, the permittee of the specific reason(s) for which the permit is to be revoked. The permit shall be revoked at the end of ten (10) days following service of such notice, unless a written request for a hearing is filed with the Commissioner within such ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit becomes final.
- (10) Whenever a facility is required under this rule to cease operations by order to cease operation, or by suspension or revocation of permit, it shall not resume operations until it is shown on re-inspection that conditions responsible for the cessation of operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.
- (11) A notice provided for in this part is properly served when it is hand delivered to the permittee or person in charge, or alternatively, five (5) days from the mailing, by certified mail, return receipt requested, to the last known address of the permittee. A copy of the notice shall be filed in the records of the Commissioner.

Authority: T.C.A. §§4-5-202, 53-3802, 68-110-102, 68-110-103, 68-110-104, and 68-110-105. **Administrative History:** Original rule certified June 7, 1974. Repeal and new rule filed May 6, 2002; effective July 20, 2002.

1200-1-5-.04 FACILITIES AND GROUNDS.

- (1) Motor homes, travel trailers, truck campers, tent campers, and tents shall be located fifteen feet or more apart in clearly marked spaces.
- (2) The campgrounds shall be free of refuse and debris. Dogs, cats, and other domestic animals shall be leashed, confined, and/or otherwise under control at all times.
- (3) Permanent and semi-permanent structures shall be clean and maintained in good repair and provided with adequate lighting.
- (4) The organized camp operator shall keep a register for a period of one (1) year at the organized camp facility. Such register shall contain each camper's name, address, telephone number, and camping dates.
- (5) Fire Safety
 - (a) Fire Extinguishers
 - 1. Portable fire extinguishers shall be provided in hazardous areas, including storage rooms, laundry, linen, and gas-fired equipment rooms.

(Rule 1200-1-5-.04, continued)

2. Fire extinguishers shall be of a type approved by the State Fire Marshal's office and installed, operated, and maintained in accordance with State Fire Marshal's Office law and rules.
3. No soda-acid types of extinguishers are to be used.

(b) Smoke Detectors and Fire Alarms

1. All sleeping rooms and sleeping areas shall be provided with a single-station smoke detector. Smoke detectors shall be of a type approved by the State Fire Marshal's Office or local jurisdiction and shall be installed, operated, and maintained in accordance with State Fire Marshal's Office law and rules. Single-station smoke detection shall not be required when sleeping rooms contain smoke detectors connected to a central alarm system which also alarms locally.
2. A fire alarm system of a type approved by the State Fire Marshal's Office shall be installed, operated, and maintained in accordance with State Fire Marshal's Office law and rules in organized camps having more than fifteen (15) guest rooms, with exceptions being organized camps.
 - (i) in which all individual guest rooms have a direct exit to the outside or
 - (ii) having buildings three (3) stories or less with each guest room having two (2) or more directions to exit from the entrance door of the room.
3. Travel and resident camps shall provide a telephone at the office or in an area which is accessible at all times for the immediate notification of the public fire department or private fire brigade in case of fire and to access emergency health services.

(c) Electrical Hazards, Heating, and Flammable

1. Visible and/or obvious fire and electrical hazards are prohibited.
2. There shall be no storage of flammables, lawnmowers, gas powered string trimmers, or other similar flammable operated equipment in boiler or electrical panel rooms. Separate secured storage areas shall be provided for plainly marked flammables, explosives, and hazardous chemicals.
3. Flammable liquids shall be stored in a well ventilated, separate building away from guest sleeping rooms, which is constructed and rated for storage of flammables in accordance with State Fire Marshal's Office law and rules and shall be clearly marked.
4. Draperies, curtains, and other similar loosely hanging furnishings and decorations shall be flame resistant.
5. Furnishings or decorations of an explosive or highly flammable character shall not be used.

(d) Exits and Evacuation Plans

1. Each guest room door that opens into an interior corridor shall be self-closing.
2. Exits shall be clear of obstructions, marked, lighted, and maintained at all times.
3. Stairways shall be open and free of obstructions at all times.

(Rule 1200-1-5-.04, continued)

4. A floor diagram reflecting the actual floor arrangement, exit locations, and room identifications shall be posted in a location and in an acceptable manner on or immediately adjacent to every guest room door.
- (6) Permanent sleeping quarters shall conform to the following.
 - (a) Each shall have adequate ventilation, and there shall be at least three (3) feet between sides of each bed and adequate space to provide movement between beds.
 - (b) Articles of bedding shall be clean and in good repair.
 - (c) Permanent sleeping quarters shall have a minimum of forty (40) square feet per person floor space.
 - (d) Waterproof mattresses or mattress covers shall be provided.
 - (e) Each stacked bunk bed shall have a guardrail. The lower edge of the guardrail and the top surface of the mattress shall close the space between the lower edge of the guardrail and the upper edge of the bedframe to 3½ inches or less.
 - (f) Children of less than six (6) years of age shall not be allowed on the upper bunks.
 - (7) Storage area(s) for luggage and personal effects shall be provided in resident camps.
 - (8) A first aid kit for minor injuries shall be provided at the office or an area which is open or accessible at all times.
 - (9) Natural swimming areas shall have no drop-offs, potholes, rock outcroppings, stumps, other obstacles, heavy vegetative growth or pollution. Depths and boundaries shall be conspicuously marked and lifesaving equipment, as required for public swimming pools, shall be available.
 - (10) Each organized camp shall be provided with adequate restroom and/or bathing facilities. The ratio of water closets, urinals, lavatories, and showers in bathhouses and restrooms shall be in compliance with applicable local and/or state building and plumbing codes. Toilet tissue and covered, fire-resistant waste containers shall be provided.
 - (a) In the absence of applicable building or plumbing codes, fixtures shall be provided in the following ratios.

# Spaces or Sites	Water Closets		Urinals	Lavatories		Showers	
	Men	Women		Men	Women	Men	Women
1-15	1	1	0	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	4	5	2	4	4	3	3

1. In the absence of urinals, the ratio of water closets for men and women shall be the same.

(Rule 1200-1-5-.04, continued)

2. There shall be one (1) additional water closet and lavatory per gender for each additional twenty-five (25) camp spaces/sites and one (1) additional shower per gender for each additional forty (40) spaces/sites.

- (b) In the absence of applicable building or plumbing codes, the ratio of water closets, lavatories, urinals, bathing facilities, and other fixtures for occupants of organized resident camps shall be as follows. The table identifies the number of individuals or persons per facility.

Water Closets		Urinals	Lavatories		Showers	
Men	Women	*	Men	Women	Men	Women
1/12	1/10	1/25	1/12	1/12	1/12	1/12

*In the absence of urinals, ratio of water closets for men and women shall be the same.

- (c) There shall be one (1) drinking fountain for every seventy-two (72) persons at resident camps.
- (d) Service buildings with toilet, bathing, and lavatory facilities shall be provided for motor homes, travel trailers, truck campers, and tent campers which do not have sewage holding tanks.
- (e) Primitive camps and camps offering services to recreational or similar vehicles (e.g., motor homes and travel trailers) with sewage holding tanks are exempt from the restroom and/or bathing facility requirements.

Authority: T.C.A. §§4-5-202, 53-3802, and 68-110-102. **Administrative History:** Original rule certified June 7, 1974. Repeal and new rule filed May 6, 2002; effective July 20, 2002.

1200-1-5-.05 WATER SUPPLY, SEWAGE AND SOLID WASTE DISPOSAL.

- (1) Water supply and sewage disposal systems shall be provided from a source constructed and operated according to law. The potable water system shall be installed to preclude the possibility of backflow. Primitive camps shall not be required to have water. Ice shall be from an approved source and protected from contamination.
- (2) Durable, easily cleanable, and enclosed potable drinking water containers shall be maintained in a sanitary condition. Common use of cups or dippers is prohibited.
- (3) Sanitary stations with a covered sewage disposal inlet surrounded by a concrete apron sloped inward to the drain with wash down facilities or capped, four (4) inches, above-ground sewer connections shall be provided for motor homes, travel trailers, truck campers, and tent campers with sewage holding tanks.
- (4) All garbage and refuse shall be disposed of according to applicable laws or ordinances.
- (5) An adequate number of clean, covered, garbage and refuse containers in good repair shall be provided. Tied plastic bags are acceptable if removed daily.

Authority: T.C.A. §§4-5-202, 53-3802, and 68-110-102. **Administrative History:** Original rule certified June 7, 1974. Repeal and new rule filed May 6, 2002; effective July 20, 2002.

1200-1-5-.06 GENERAL PROVISIONS.

- (1) Posting of Permit. T.C.A. 68-110-103(e) requires the display or posting of permits "in a conspicuous manner." This shall mean at a place so designated by the inspector at the time of inspection. No person except an authorized representative of the Commissioner shall modify, remove, cover up, or otherwise make the permit less conspicuous in any way.

(Rule 1200-1-5-.06, continued)

- (2) **Loss of Permit Document.** Any organized camp establishment or operator who loses, misplaces, or destroys the permit or license shall, as soon as the fact becomes apparent, immediately apply for a duplicate. The fee for the duplicate permit shall be three dollars (\$3.00). This fee shall accompany the application for such duplicate.
- (3) **Penalties.** Any person who violates the provisions of these rules or fails to perform the reasonable requirements of such, after receipt of ten (10) days' written notice, may be subject to fines of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. Each day of continued violation, upon a finding of fault in a court of law, constitutes a separate offense. These violations shall include, but not limited to:
 - (a) operating under a suspended permit;
 - (b) operating without a permit;
 - (c) failure to allow an inspection; or
 - (d) failure to post permit.
- (4) **Waiver.** With the exception of required compliance with applicable building and fire codes, one or more of these regulations may be waived in whole or part when, in the opinion of the Commissioner, there are factors or circumstances which render compliance with such regulations unnecessary, provided that such waiver shall not constitute a health or safety hazard as determined by the Commissioner, and provided that such regulations waiver shall be in writing by the Commissioner. A request for waiver of one or more of these regulations shall be in writing to the Commissioner.
- (5) Any organized camp permitted at the effective time of these rules shall have one (1) year from the effective date of these rules to comply with any construction items.

Authority: T.C.A. §§4-5-202, 53-3802, 68-110-101, 68-110-102, 68-110-103, 68-110-104, and 68-110-106.
Administrative History: Original rule certified June 7, 1974. Repeal and new rule filed May 6, 2002; effective July 20, 2002.

1200-1-5-.07 THROUGH 1200-1-5-.20 REPEALED.

Authority: T.C.A. §53-3802. **Administrative History:** Original rule certified June 7, 1974. Repeal filed May 6, 2002; effective July 20, 2002.

Chapter 90 – ZONING

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 90-58. - Procedure for authorizing special exceptions.

- (a) *Generally.* The procedure described in this section is established to provide procedures for review of a proposed use as a conditional use or special exception by the board of zoning appeals. The procedure shall be the same whether review is required under T.C.A. § 13-7-206, by this chapter, or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.
- (b) *Application.*
- (c) *General requirements.*
- (d) *Criteria for review.*
- (e) *Restrictions.*
- (f) *Validity of plans.*
- (g) *Time limit.*
- (h) *Special exceptions appeals.*
- (i) *Specific standards for residential activities; special conditions for multifamily dwellings and mobile home park activities.*
- (j) *Specific standards for community facility activities.*
- (n) **Specific standards for community campgrounds.** A special exception permit shall not be granted, unless the following standards are met:
 - (1) Such campground shall have on-site management.
 - (2) The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services, provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designed and intended to serve exclusively the patrons staying in the campground; have signage designed and placed for the benefit of the patrons staying in the campground and not to attract the general public; and such establishments and their parking areas shall not occupy more than ten percent of the parking area or one acre, whichever is smaller. It shall not be considered illegal for non-campsite patrons to frequent on-site commercial amenities.
 - (3) Such campground shall meet the following standards:
 - a. Minimum size: ten acres.
 - b. Maximum density: 15 campsites per gross acre.
 - c. Sanitary facilities, including flush toilets and showers: within 300 feet walking distance of each campsite.
 - d. Dump station for travel trailers.
 - e. Potable water supply: one spigot for each four campsites.
 - f. Trash receptacles shall be provided with convenient access and in view of each campsite. A central dumpster for on-site trash cans counts as a trash receptacle.
 - g. Parking: one space per campsite.

- h. Picnic table: no less than one picnic table for every two campsites.
 - i. Reserved.
 - j. Administration or safety building: open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.
- (4) Such campground shall meet the following design requirements:
- a. Vegetation screen or ornamental fence which will substantially screen the campsites from the view of the public right-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
 - b. Each campground shall reserve at least 25 percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration building, commercial areas, or similar activities.
 - c. Each campsite shall have a minimum setback of 25 feet from any public right-of-way and meet all water quality buffer zone requirements set forth in the storm water ordinance.
 - d. Each separate campsite shall contain a minimum of 2,400 square feet. A campsite shall be considered to consist of trailer or tent space, parking space, picnic table (where applicable), and one-half of the roadway providing access.
 - e. Each campsite shall be directly accessible by an interior road.
 - f. All interior roads shall be a minimum of ten feet wide for one-way traffic and 18 feet wide for two-way traffic.
 - g. All interior roads shall meet the following curve requirements:
 - 1. Minimum radius for a 90-degree turn: 40 feet.
 - 2. Minimum radius for a 60-degree turn: 50 feet.
 - 3. Minimum radius for a 45-degree turn: 68 feet.
 - h. No camping vehicle or camping equipment shall be used or stored in place for human habitation, or intended human habitation, for a period exceeding six consecutive months. Patrons of campsites that stay for the maximum duration shall demonstrate the road worthiness of the camping vehicle or camping equipment by completely vacating the campsite and campgrounds onto a public roadway. Nothing shall preclude the patron from immediately returning to the campsite, provided the equipment is proven roadworthy and is current on all registration, licensing and any other documentation required by all applicable jurisdictions.
 - i. All camping vehicles and camping equipment shall be maintained in road worthy condition. No accessory structures, including decks, hot tubs, storage sheds, carports and similar items may be placed or installed on any campsite. Any such placement or installation shall be construed as permanent in nature and a violation of this section and subsection (n)(4)h of this section.

(Ord. No. 98-322, § 11-708, 4-20-1999; Ord. No. 07-524, § 1, 10-16-2007; Ord. No. 11-597, §§ 1—9, 2-21-2012; Ord. No. 16-655, Att. A, 4-4-2016)

Item 9b



Development Services Department Report

February 2019

Please find the following project and activity summaries for your information:

Bethel Ridge Mixed Use – Mixed Density Development – The project is still in Contract Due Diligence working through details of the residential portions but I'm told there is a hotel developer involved in the commercial portions of the project. **No changes**

Bethel Farms Subdivision – **Construction Plans are approved.** Developer obtaining required state permits. Site work is out to bid. A Land Disturbance Permit is expected to be issued soon to begin site work. Updated the City's Subdivision Development Agreement (1995) for this project, to be reviewed and approved with the Final Subdivision Plat.

Quarterhorse Multi-family Development – Conceptual Planning and initial site work (LDP) permitting in process. **No changes**

Menefee Parcel – this parcel was recently acquired by a local developer and is actively working with staff on preliminary conceptual plans. **Owner is cleaning up the site and may replace the old bridge over the creek.**

Project "WALLY" – Staff is in discussions with **two** new business to locate in our City. Staff has identified an appropriate parcel (owned by the County) and has begun the acquisition process. Also, exploring Economic Development funds for infrastructure to service the property and tax incentives for the business. This parcel may allow for relocation of the City's Public Works Facility. **Working**

Subdivision Plats – None at this time.

Rezoning – None at this time.

Commercial & Multi-family Site Plans – There are several Site Plans in the application and review process at this time. **Working**

Building and Municipal Code Violations – Working with Staff to document, cite and resolve numerous codes Violations throughout the City ranging from unlawful (not permitted) buildings and occupancies to unlicensed businesses, etc. **Working**

Building Permits (2007) – Staff is reviewing various aspects of the Building Permit (including residential structural renovations) processes as well as associated fees and drafting updates. **Done**

Sewer Connections (1988) – Staff finalized the updates to this Chapter to bring the Code into conformity with current standards and practices. Staff is also working with Public Works and the Utilities Clerk to develop standard procedures for new sewer connections for properties as needed through the Building Permitting and site development processes. **Done**

Sign Ordinance (1999) – Staff is reviewing this section of the Code as there appear to dozens of signs throughout the City that do not comply with minimum standards. **Working**

Stormwater Ordinance (2010) – Staff has developed a more detailed permitting and inspection process for construction site Erosion Prevention & Sediment Control (EPSC) requirements. **Done**

Road Maintenance Fees and Restricted Weight Limits (2000) – Staff is drafting revised permitting, processes and fees commensurate with use, damage and road conditions. **Working**

Downtown Multi-use Path & Sidewalk Project – The City was recently awarded \$835,494 (80/20%) U-TAP Grant for PE-N, PE-D, ROW and Construction. An additional \$1.3 Million (80/20%) TAP Grant application is in process. While the City was shortlisted for \$1 Million (95/5%) Multi-modal Grant, we were not selected by TDOT for funding. The City will restart the PE-N Environmental work shortly, then proceed to project design this summer. **A Resolution from the City Commission to obligate \$208,874 for this project funding is required by TDOT to demonstrate the City's commitment to this project and Grant. More info at the next Commission meeting.**

I-65 Exit 104 Interchange Lighting Project – The recent temporary Federal Government Shutdown caused TDOT to delay the letting of this project for Construction until March 2019. We still expect this project to be completed by summer 2019. **No change**

Old Shiloh Bridge Replacement Project – Project Design is complete and is now in the ROW Acquisition phase. Utility providers have been notified and must submit their proposed relocations within 90 days. Construction Letting is scheduled for November 2019 with project completion projected summer 2020. **No change**

City Hall Expansion and Renovation – Civil Design by OHM is underway with interior and exterior materials and finishes being reviewed. Temporary relocation plan of City offices and operations being developed. Expected to begin project financing options shortly. **Plans to be presented 03/19/2019**

Sumner County EMS Communications Tower – Drafting language (Essential Community and Public Safety Facilities) to allow our city as well as other government agencies to construct infrastructure at certain locations in the City with minimal permitting requirements. **Working**

Cartwright Parkway Extension Project – **Developing plan to construct and fund an Emergency Access Road across the lands the City owns for Fire & Police (no public vehicle use to be allowed)**

Gravity Sewer Rehabilitation Project – Work is now complete. Project costs came in under TDEC SRF Budget. City added additional work with surplus including lining 25+ more manholes. OHM closing out project with TDEC. **Done**

Public Works Storage Building – Construction complete and contract paid and closed out. Public Works has moved all equipment & materials from other shed. Police has secured this building and impound lot and utilizing as planned. **Done**

Ridge Hill Road Right-of-Way – Staff has forwarded all records to City Attorney as directed. **Working**

Bethel Road Utilities and Infrastructure Needs Assessment – This study (focused on water) is complete and being utilized for grant and funding opportunities associated with Economic Development. **Complete and preparing to request funding assistance from State & Feds.**

Bethel Road Campground – Actively working with owner and Real Estate Agent to create Redevelopment and Lawsuit & Codes Violations Resolution Plan for buyer. **Working**

Please call or visit my office if you have any questions or suggestions.



Michael Barr
Development Services Director