

**TITLE 14**

**ZONING AND LAND USE CONTROL<sup>1</sup>**

**CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING ORDINANCE.
3. ANNEXATION PLAN OF SERVICES.
4. PROVISIONS GOVERNING PORTABLE SIGNS.
5. TRAILER PARKS.
6. DESIGN REVIEW COMMITTEE.

**CHAPTER 1**

**MUNICIPAL PLANNING COMMISSION**

**SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.
- 14-103. Additional powers.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of ten (10) members. One (1) of the members shall be the mayor, or a member designated by the mayor, and one (1) of the members shall be a member of the city council selected by the city council. The other eight (8) members shall be appointed by the mayor, two (2) of which must reside within the regional area outside of the municipal boundaries of the City of Portland. All members of the planning commission, except any elected official who serves as a member or a member who also serves as a member of the City of Portland Board of Zoning and Appeals, shall be paid fifty dollars (\$50.00) for each regularly called meeting of the commission that the member attends. The terms of the appointive members shall be provided by resolution of the governing body; provided, that they shall be so arranged so that the term of one (1) member will expire each year. The terms of the mayor and the member selected by the city council shall run concurrently with their terms of office. Any vacancy in the appointed membership shall be filled for the unexpired term by the mayor, who shall also have authority to remove any appointed member at the mayor's pleasure. (1980 Code, § 11-101, as replaced by Ord. #606, July 1999, and amended by Ord. #07-35, Aug. 2007, and Ord. #18-10, Feb. 2018)

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<sup>1</sup>Municipal code reference

Planning and zoning fees: § 12-1501.

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with Tennessee Code Annotated, title 13. (1980 Code, § 11-102)

**14-103. Additional powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions. (1980 Code, § 11-103)

CHAPTER 2

ZONING ORDINANCE

SECTION

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

**14-201. Land use to be governed by zoning ordinance.** Land use within the City of Portland shall be governed by Ordinance #387, titled "Zoning Ordinance, Portland, Tennessee," and any amendments thereto.<sup>1</sup>

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<sup>1</sup>Ordinance #387, and any amendments thereto, are published as separate documents and are of record in the office of the city recorder.

Amendments to the zoning map are of record in the office of the city recorder.

### CHAPTER 3

#### ANNEXATION PLAN OF SERVICES

##### SECTION

14-301. Annexation plan of services.

14-302. Individualized plans of service.

**14-301. Annexation plan of services.** When any new territory shall be annexed into the City of Portland, Tennessee, municipal services shall be afforded that particular annexed territory in accordance with the schedule listed below:

- (1) Water--If not already provided; within six months, with no inside city limit water rate reduction until annexed property is placed on the tax roll;
- (2) Police protection--Immediately following annexation;
- (3) Fire protection--Immediately following annexation;
- (4) Garbage pickup--Immediately;
- (5) Street lighting--Within twelve (12) months of annexation;
- (6) Natural gas--If not already provided, within twelve (12) months of annexation, with no inside city limit gas rate reduction until said annexed property is placed on the tax rolls;
- (7) Sewers--Whenever state, county, municipal and federal funds are available to extend sewer lines to the newly annexed territory and to make any alterations to the sewer plant as may be necessary to extend said lines. (1980 Code, § 11-301, as amended by Ord. #563, Feb. 1998, replaced by Ord. #02-06, March 2002; and amended by Ord. #03-28, Jan. 2004)

**14-302. Individualized plans of service.** The mayor and board of aldermen of the City of Portland, Tennessee reserve the right to consider each area considered for annexation to the city limits of the City of Portland on its own feasibility and submit individualized plans of service for any area it deems necessary to do so. (Ord. #563, Feb. 1998, as replaced by Ord. #02-06, March 2002)

## CHAPTER 4

PROVISIONS GOVERNING PORTABLE SIGNS

## SECTION

14-401. Provisions governing portable signs.

**14-401. Provisions governing portable signs.** Portable signs may be permitted subject to the following:

(1) All such signs shall be set back from the right-of-way, a minimum of the distance indicated in TABLE 4-205.3 of the Portland Zoning Ordinance.

(2) No portable sign shall be located so as to infringe upon or obstruct in any manner, the vision clearance area(s) required by subsection 4-208.4 of the Portland Zoning Ordinance.

Zoning Dist.	Freestanding and Projection Sq. Footage	Bldg. and Canopy Signs Sq. Footage	Billboards Sq. Footage	Min Ht.	Max Ht.	Base Setback
All Residential Districts	4*	4*	0	0	25	7'***
MPO	20	40*	0	0	25	7'***
CSO	40*	100	0	0	50	0'
CBD	20	40	0	0	50	7'***
GCS	150	150	300	0	50	7'***
HSD	200	200	300	0	50	7'***
IR	200	200	300	0	50	7'***
IG	200	200	300	0	50	7'***
IS	200	200	300	0	50	7'***

\*Any church or school will be allowed sixty-four (64) square feet freestanding sign, one thirty-two (32) square foot building sign and one thirty-two (32) foot directory or bulletin board.

\*\*In any instance where a portable sign may be permitted under provisions established in § 14-401, of the Municipal Code of Portland, the setback for such sign shall be reduced to zero, as provided in said code provision. In no instance, however, shall any such sign violate the vision clearance areas required in subsection 4-208.4, of the Portland Zoning Ordinance.

Freestanding Signs. For purposes herein a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in subsection 4-205.2 of the Portland Zoning Ordinance. For example, wall signs typically have two (2) sides (back to back), although four-sided and other multi-sided signs are also common.

Number of Signs. Except as authorized by this section, no development may have more than one (1) freestanding sign.

If a development is located on a corner lot that has at least one hundred (100) feet of frontage on each of the two (2) intersecting public streets, then the development may have not more than one (1) freestanding sign along each side of the development bordered by such streets.

(3) All portable signs when wired for lights shall be equipped with a ground fault interruption device and shall in all regards comply with the provisions of Article 600, (Electric Signs and Outdoor Lighting) of the National Electrical Code. All such signs shall be inspected for compliance with this provision. The owner of any sign found to be in violation of this provision shall be provided with notice of such violation if not corrected within thirty (30) days following such notice, the building inspector shall initiate action to remove the sign.

(4) Any portable sign not wired for lights shall have all electric cords and connection devices removed. Failure to comply with this provision following thirty (30) days notice of same, shall constitute grounds for the building inspector to initiate action to remove the sign.

(5) All portable signs shall be adequately anchored. The building inspector will adjudge the adequacy of all anchoring. The owner of any sign found to be in violation of this provision shall be provided with notice of such violation which shall specifically include the actions required to bring the sign into compliance. In any event, where such violation is not corrected within thirty (30) days, following such notice, the building inspector shall initiate action to remove the sign.

(6) All portable signs shall be maintained in a safe and structurally sound condition. The owner of any sign found to be in violation of this provision, as determined by the building inspector, shall be provided with notice of such violation which shall specifically include the actions required to bring the sign into compliance. In any event, where such violation is not corrected within thirty (30) days, following such notice, the building inspector shall initiate action to remove the sign.

(7) In any event, where the principal activity to which onsite portable signs are accessory is terminated for a period of ninety (90) days, all portable signs shall be removed from such site, following thirty (30) days notice. (1980 Code, § 11-401)

## CHAPTER 5

### TRAILER PARKS

#### SECTION

- 14-501. Permit required.
- 14-502. General provisions.
- 14-503. General regulations.
- 14-504. Change of ownership.
- 14-505. Changes in existing parks.
- 14-506. Standards.
- 14-507. Enforcement.

**14-501. Permit required.** It shall be unlawful for any person, persons, or firm to establish a trailer park within the City of Portland without first notifying the city recorder and filing therewith a written application for a permit. (1980 Code, § 5-501)

**14-502. General provisions.** (1) "Occupancy of trailers." Any trailer used for living or sleeping purposes must comply with certain restrictions.

(2) "Management." No trailer park shall be maintained without proper management.

(3) "Register." Every person who owns or operates a trailer park or court shall keep a register in which shall be entered:

(1) Name and address of each lessee for which space is rented.

(2) Any additional information concerning registration of vehicles that city deems advisable.

(4) "Illumination." Every trailer park shall have installed and kept burning from sunset to sunrise sufficient artificial light to illuminate every building and trailer space.

(5) "Animals." No animals or poultry shall be permitted to run at large in any trailer court or park.

(6) "Occupancy regulations." It shall be unlawful for any person in a trailer court or park to use or permit to be used for occupancy:

(1) Any inhabited trailer which is not connected to the park sanitary sewer system or disposal facilities approved by the city plumbing and sewer inspector.

(2) Any trailer in an unsanitary condition; structurally unsound or not protecting its inhabitants against the elements. (1980 Code, § 5-502)

**14-503. General regulations.** (1) Trailer site. A trailer site in a trailer park shall not be occupied as a living quarter unless a single trailer is parked on the site and there shall not be more trailers occupied in a trailer park than there are approved trailer sites.

(2) Restrooms. All restrooms and shower houses shall be kept in a clean and sanitary condition.

(3) Garbage, refuse disposal. Adequate garbage cans and collection service shall be provided.

(4) Sewage disposal. No waste water or material from sinks, plumbing fixtures, or waste lines shall be deposited upon the surface of the ground. Where possible, said trailer park or court shall be connected to the city's sewer system.

(5) Streets and drives. All streets and driveways shall be maintained in good condition by the owner.

(6) Water supply. Every trailer park must have an approved water supply.

(7) Fire prevention regulations. An approved fire extinguisher will be properly maintained and located within 50 feet for every five (5) trailers occupied in said parks. (1980 Code, § 5-503)

**14-504. Change of ownership**. A use permit issued to operate a trailer park in a given location shall not give the right to everyone to operate a trailer park in that location. (1980 Code, § 5-504)

**14-505. Changes in existing parks**. All additions or repairs undertaken by an existing park must conform with the specifications of the City of Portland building codes. (1980 Code, § 5-505)

**14-506. Standards**. Any trailer park within the corporate limits of Portland must comply with certain standards. (1980 Code, § 5-506)

**14-507. Enforcement**. License certificate to operate a trailer park must be conspicuously posted in the office or on the premises of every trailer park. Failure to do so shall be deemed a misdemeanor. (1980 Code, § 5-507)



## CHAPTER 6

### DESIGN REVIEW COMMITTEE<sup>1</sup>

#### SECTION

- 14-601. Established.
- 14-602. Membership and appointments.
- 14-603. Term of office.
- 14-604. Vacancy.
- 14-605. Removal from office.
- 14-606. Meetings.
- 14-607. Duties.
- 14-608. Projects requiring design review.
- 14-609. Application.
- 14-610. Notice of decision.
- 14-611. Appeal.

**14-601. Established.** The mayor and city council hereby establish the Portland Community Design Review Committee, hereinafter referred to as the "DRC," and ordain that it be governed by the following provisions. (as added by Ord. #09-25, July 2009)

**14-602. Membership and appointments.** The DRC shall be composed of the chairperson of the Planning Commission of the City of Portland, or his or her designee from the membership of the planning commission, and six (6) members appointed by the mayor of the city, one (1) of whom shall be a member of the City Council of the City of Portland. All members shall be residents of the city and meet the criteria for appointment as set out in Tennessee Code Annotated, § 6-54-133. (as added by Ord. #09-25, July 2009, and replaced by Ord. #11-42, Dec. 2011)

**14-603. Term of office.** The term of office for all members shall be two (2) years, such term to expire concurrently with the reorganization of the city council after the bi-annual general municipal election, and until their successors are appointed and qualified. (as added by Ord. #09-25, July 2009)

**14-604. Vacancy.** Vacancies of the DRC shall be filled by appointment of the mayor and city council, and such appointments shall be only for the unexpired portion of the term. (as added by Ord. #09-25, July 2009)

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<sup>1</sup>The Design Review Standards, Ord. #12-53, adopted November 2012, is of record in the recorder's office.

**14-605. Removal from office.** Members of the DRC shall be removed from office or their office declared vacant in the following manner and for the following reasons:

- (1) By majority vote of, the entire city council;
- (2) If a member shall be absent from three (3) consecutive regular meetings of the design committee, removal shall be automatic and no action by the city council shall be necessary.
- (3) If a member shall no longer meet the requirements for composition. (as added by Ord. #09-25, July 2009)

**14-606. Meetings.** (1) A quorum shall consist of four (4) members and/or appointed alternates and a majority vote of any quorum shall govern.

(2) Meetings of the DRC shall be held at such time, date and place as called by the chairperson of the DRC, or by the mayor, after giving adequate public notice of the meeting. Interested persons shall be given an opportunity to be heard according to procedures adopted from time to time by the DRC.

(3) The DRC shall not be required to hold noticed public hearings, but any interested persons shall be afforded a reasonable opportunity to be heard, and the meetings of the committee shall be open to the public. Any applicant shall be entitled to attend and testify or present evidence on their behalf. (as added by Ord. #09-25, July 2009, and amended by Ord. #11-42, Dec. 2011)

**14-607. Duties.** The DRC shall have the following duties, responsibilities, authority, and limitations to its authority:

(1) The DRC shall review submittals for construction or development in all industrial, commercial and multi-family zone districts.

(2) The DRC shall be authorized to act on all design plans.

(3) The DRC shall be authorized to review minor site plans and make recommendations for these submittals that may consist of rehabilitation of existing sites and may include improvements such as painting, roofing, signage, doors, entrance remodels, windows, facades, handicapped accessibility, landscaping, awning and canopies, dumpster screening, paving and other similar items.

(4) The DRC will assist in developing specific procedures and standards for commercial and industrial design criteria. The DRC will provide their recommendation to the planning commission and city council for review and possible implementation action. (as added by Ord. #09-25, July 2009)

**14-608. Projects requiring design review.** All projects involving the issuance of a building permit for construction, reconstruction, renovation or use of occupancy permit request. (as added by Ord. #09-25, July 2009)

**14-609. Application.** Application for approval by the committee for the construction, reconstruction, alteration, restoration or certificate of occupancy of any building shall be submitted to the planner of the city accompanied by:

(1) Plans of all building and structures showing elevations and style of architecture. An architectural rendering visual aids and samples of materials to be used may be submitted and can be required by the committee. All colors, materials and finishes shall be shown by notation or by use of accepted architectural symbols.

(2) Five (5) sets of proposed site plan drawn to scale meeting Zoning Ordinance No. 387 criteria for site plan requirements. (as added by Ord. #09-25, July 2009)

**14-610. Notice of decision.** Written notice of the DRC's review/decision shall be available within five (5) working days after the decision is rendered. (as added by Ord. #09-25, July 2009)

**14-611. Appeal.** An appeal of this decision may be made to the planning commission no later than ten (10) days after the committee's action. Said appeal shall be in writing and shall be filed with the planning and codes department. (as added by Ord. #09-25, July 2009)