



HISTORIC  
FRANKLIN  
TENNESSEE

April 21, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ESS*  
Catherine Powers, Planning and Sustainability Director  
Gary Luffman, Building and Neighborhood Services Director

SUBJECT: Tent Regulations

**Purpose**

This memorandum is to provide information on how the tent regulations were originally enacted to assist in a general discussion with the Board of Mayor and Aldermen (BOMA).

**Background**

The tent ordinance originated before the adoption of the new **Zoning Ordinance**. The city was being inundated with tents in commercial parking lots for the sale of rugs, plants, clothing, and furniture. The consensus was it created a visual perspective of a carnival atmosphere with the tents staying for long periods of time. Other scenarios were for permanent social event centers with tents staying year round. This detoured away from goals of the design standards at that time. The next challenge came when the materials used ordinarily for tent construction became a fabric with 20 to 30 year durations and with a building permit being required. Instead of changing the design standards, BOMA and the Planning Commission at that time decided to write the criteria for tents. This is now present in our **Zoning Ordinance**.

Recent enforcement has brought new issues that need further discussion. The city experiences several social events during the warmer months such as weddings at the Carnton Mansion and for charitable fund raising. Golf tournaments occur several times weekly and tents are needed. These tournaments are 85% used for charitable fund raising.

The pages from the **Zoning Ordinance** are supplied for your review. The concern raised by some in the community is with the 30 days per year and only three times per year. If the discussion is favorable, then the Planning Staff will draft an ordinance indicating different options to consider.

**Options**

To be supplied later.

**Financial Impact**

To be supplied later.

**Recommendations**

Staff will study and supply a recommendation at a later date if BOMA wishes to move this discussion to an ordinance form.

## 4.2 TEMPORARY USES

### 4.2.1 Purpose

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

### 4.2.2 Table of Allowed Temporary Uses and Structures

Table 4-2 summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

<b>TABLE 4-2: TEMPORARY USES AND STRUCTURES</b>			
<b>Temporary Use or Structure</b>	<b>Allowable Duration (per site)</b>	<b>Permit Required [2]</b>	<b>Additional Requirements</b>
<b>TEMPORARY STRUCTURE</b>			
Construction Dumpster	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(2)
Construction Trailer	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(3)
Real Estate Sales Office/Model Sales Home	Until 85% occupancy of the phase is reached	Building Permit	Sec. 4.2.4(4)
Temporary Housing	90 days per calendar year	Building Permit	Sec. 4.2.4(5)
Temporary Storage in a Portable Container	30 days over a five-year period	None [2]	Sec. 4.2.4(6)
Temporary Structure (as part of an educational facility or institutional use)	3 years (extension possible)	Building Permit	Sec. 4.2.4(7)
Tent	30 over a one-year period	None [2]	Sec. 4.2.4(1)
<b>TEMPORARY SALE [1]</b>			
Garage/Yard Sales	2 days per event; 8 total days per calendar year	Garage Sale Permit	Sec. 4.2.4(8)
Seasonal Agricultural Sales	120 total days per calendar year	None [2]	Sec. 4.2.4(9)
NOTES:			
[1] The sale of products or services from a vehicle shall be subject to the requirements for a Peddler's Permit (See Section 9-201 of the Municipal Code.) issued by the Business			

TABLE 4-2: TEMPORARY USES AND STRUCTURES			
Temporary Use or Structure	Allowable Duration (per site)	Permit Required [2]	Additional Requirements
License Division.			
[2]	Temporary uses and structures not required to obtain a Building Permit may be required to obtain other permits from other city departments in accordance with the Franklin Municipal Code.		

**4.2.3 General Standards for Temporary Uses and Structures**

Temporary uses, structures, or events shall:

- (1) Obtain the appropriate permit from the Department of Building and Neighborhood Services or other city agency (as required);
- (2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (3) Be compatible with the principal uses taking place on the site;
- (4) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (5) Not include permanent alterations to the site;
- (6) Not maintain temporary signs associated with the use or structure after the activity ends;
- (7) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (8) Not interfere with the normal operations of any permanent use located on the property; and
- (9) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

**4.2.4 Specific Regulations for Certain Temporary Uses and Structures**

**(1) Tents**

Except for tents used exclusively for camping purposes, tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet shall:

- (a) Obtain a permit from the Fire Marshal;
- (b) Maintain a minimum clearance of 20 feet from all other structures and tents;
- (c) Not exceed more than two tents on a single parcel that is less than 12 acres in size (the Department of Building and Neighborhood Services may approve more than two tents as a part of a special event on a single parcel of 20 or more acres in size);
- (d) Not remain in place for more than a total of 30 days within a one-year period;
- (e) Be limited to a maximum of three occurrences per parcel per year;
- (f) Not be placed within required landscape areas;
- (g) Not obstruct emergency vehicle access to adjacent lots or disrupt pedestrian circulation; and

(h) The lot or site shall be restored to its original condition within two days of removal of the tent.

**(2) Construction Dumpster**

(a) The placement of a temporary construction dumpster or other trash receptacle within a public right-of-way or other site owned by the city shall be subject to the standards in the Franklin Municipal Code.

(b) Temporary trash receptacles or dumpsters located outside public rights-of-way are not required to obtain a separate permit, but shall comply with the following standards:

(i) Be located to the side or the rear of the site, to the maximum extent practicable;

(ii) Be located as far as possible from lots containing existing development;

(iii) Not be located within a floodplain or otherwise obstruct drainage flow;

(iv) Not be placed within five feet of a fire hydrant or within a required landscaping area; and

(v) Be located outside of tree protection fencing and the dripline of existing trees.

**(3) Construction Trailer**

Construction trailers may be permitted on a construction site without Site Plan approval, provided that the trailer is:

(a) Approved by the Department of Building and Neighborhood Services;

(b) Located on the same site or in the same development as the related construction;

(c) Not located within a required open space set-aside or landscape area; and

(d) Be associated with development for which a valid Building Permit has been or will be issued.

**(4) Real Estate Sales Office/Model Sales Home**

One temporary real estate sales office or model sales home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

(a) Is approved by the Department of Building and Neighborhood Services;

(b) Is located on a lot approved as part of a development;

(c) Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscape;

(d) Complies with the applicable standards in the Regulating Plan (if applicable);

(e) Is operated by a developer or builder active in the same phase or section where the use is located; and

(f) Is removed or the model home is converted into a permanent residential use once 85 percent occupancy in the section or phase of the development is reached.

**(5) Temporary Housing**

Temporary housing, in the form of a mobile or modular home, may be placed upon a site previously occupied by a detached dwelling without obtaining Site Plan approval provided that: