

ORDINANCE NO. 22-19

AN ORDINANCE TO AMEND ARTICLE 8 SECTION 2, TABLE 8-1: USE MATRIX, AND ARTICLE 8, SECTION 4.A OF THE UNIFIED DEVELOPMENT CODE REGARDING FARMERS' MARKETS

WHEREAS, on August 20, 2018 the Board of Mayor and Aldermen adopted Ordinance 18-21 to adopt the Unified Development Code, along with subsequent amendments thereto, that sets forth standards and requirements for farmers' markets necessary for the preservation and protection of the public health, safety and general welfare; and

WHEREAS, the City intends to ensure that the development of any land within the City of Spring Hill subject to the standards and requirements set forth in the Unified Development and other applicable standards and requirements of the City will reasonably protect the citizens and taxpayers from having undue hardship due to inadequate regulations pertaining to farmers' markets; and

WHEREAS, the creation of farmers' markets is an element of community development which could impact other public facilities, roadways and adjacent lands, and the execution of such creation in a proper and orderly manner in the best interest of the public health, safety and general welfare; and

WHEREAS, the Board of Mayor and Aldermen recognizes that farmers' markets are important to the local community and are in the best interest of citizens, taxpayers, and local business owners; and

WHEREAS, the Board of Mayor and Aldermen acknowledges the importance of understanding the requirements of parking, signage, traffic circulation, and the requirements of a management plan to ensure public health and safety when creating farmers' markets within the City; and

WHEREAS, the Board of Mayor and Aldermen recognizes the necessity of regulating farmers' markets for a temporary use permit application to determine the sufficiency and capacity of the land in question; and

WHEREAS, the Spring Hill Municipal Planning Commission after conducting a public meeting on April 25, 2022, has reviewed the proposed amendments to the Unified Development Code in their entirety and provides a favorable recommendation for their adoption by the Board of Mayor and Aldermen as provided in Resolution 22-56 approved on June 13, 2022 by the Planning Commission.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, that the following is hereby adopted relative to the inclusion of requirements for farmers' markets to be regulated:

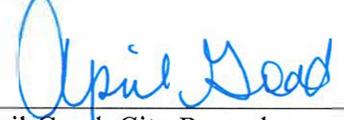
1. Article 8, Section 8.4 A.1.a., b., and c. of the Unified Development Code, is amended as referenced in the attached Exhibit.
2. Article 8, Section 8.4 A.2 of the Unified Development Code, is amended as reference in the attached Exhibit.
3. Article 8, Section 8.4 A.3 of the Unified Development Code, is amended as referenced in the attached Exhibit.
4. Article 8, Section 8.4 A.4 of the Unified Development Code, is amended as referenced in the attached Exhibit.
5. Article 8, Section 8.4 A.5 of the Unified Development Code, is amended as referenced in the attached Exhibit.
6. Article 8, Section 8.4 A.6.a., b., and c. of the Unified Development Code, is amended as referenced in the attached Exhibit.
7. Article 8, Section 8.5 of the Unified Development code, is amended as referenced in the attached Exhibit.

The effective date for the amendments referenced herein shall be **October 1st, 2022.**

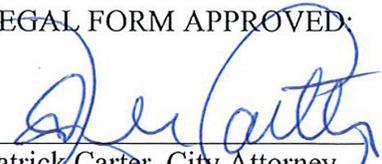
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 6th day of September, 2022.


Jim Hagaman, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


Patrick Carter, City Attorney

PASSED ON 1ST READING: August 1, 2022

PASSED ON 2ND READING: September 6, 2022

- (B) *Nonauthorized PSS.* Any PSS installed or colocated without a permit after the adoption of this article shall be considered in violation of the provisions herein and the provider and/or facility owner shall be subject to appropriate legal action to ensure removal of the PSS and to prevent the continued operation of the unauthorized PSS. Any PSS either located at an unauthorized site or colocated at a legally authorized PSS site without the Board of Zoning Appeals approval prior to adoption of this article shall be considered in violation of the provisions herein and shall not be allowed to remain in operation unless a valid permit is obtained from the city within six months after adoption of this article. The issuance of a permit for any such PSS shall be in accordance with the provisions of this article. If the PSS is not brought into compliance within the six month time limit, then in addition to any penalties which may be imposed for violation of this article, the provider and/or facility owner shall be subject to appropriate legal action to ensure removal of the PSS and to prevent the continued operation of the unauthorized PSS.
- (C) *Repair/rehabilitation of existing PSS.* If a legally authorized PSS is damaged or destroyed due to any reason, it may be repaired and restored to its former use, location and physical dimensions upon issuance of a building permit. In no event shall a provider and/or facility owner upgrade or expand any PSS without submission of a new application for a permit that is in full compliance with this article.
- (D) *Colocation of PSS on nonconforming structure.* The colocation of a new PSS on a legal nonconforming structure shall be allowed if the provider obtains a permit for the new PSS pursuant to the provisions set forth in this article.
- (E) Structures shall also be subject to the provisions of Article 14, Nonconformities.

(Ord. 19-28, 9/16/19)

8.4 TEMPORARY USE STANDARDS

Temporary uses are required to comply with the standards of this section, in addition to all other regulations of this Ordinance. These regulations are for temporary uses located on private property. All temporary uses require a temporary use permit unless specifically cited as exempt by this section or are required to obtain a license per the City Code. Temporary uses do not require additional parking unless specifically cited in the temporary use standards or stipulated as a condition of approval

A. Farmers' Market

1. The timeframe of a farmers' market, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit. A temporary use permit for a farmers' market can be issued on a yearly basis, which allows for a schedule of days per week and number of weeks per year.

Parking

The following are the parking standards for farmers' markets, which apply unless contradicted by or in conflict with the parking standards found in article 10:

- a. Two (2) parking spaces consisting of no less than 9' by 18' in size shall be required per vendor stall.
- b. Delivery trucks shall not occupy more than one parking space. Delivery trucks shall only be parked on the premises during setup, operation, and teardown.
- c. No ADA parking spaces or ADA ramps shall be blocked by the operation of the market.
- d. All parking must occur in designated areas. No parking will occur on unapproved parking surfaces, such as, but not limited to; parking islands, medians, common open spaces, parkland.

Signage

2. Proposed signage must adhere to the sign standards found in article 12. Signage must be permitted prior to installation.

Management Plan

3. A management plan must be submitted to the planning department between 30-90 days prior to the first scheduled event. The management plan is required as part of the temporary use permit application that demonstrates the following:

- a. The on-site presence of a representative of the farmers' market during hours of operation who directs the operations of vendors participating in the market.
 - b. An established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance when open to the public.
 - c. A general site plan including vendor stalls, parking areas, visitor facilities, such as any seating areas and restrooms, and all ingress and egress points to the site. **Ingress and egress points must be at least 25' in width and must be contiguous to the subject property.**
 - d. Provision for waste removal.
 - e. The days and hours of internal operation, including vendor set-up and take-down times.
4. Any tents used require separate approval as required by ~~the building~~ **or and** fire codes.
 5. **Food trucks may not exceed the ratio of 10 vendors to 1 food truck.**

Traffic Circulation

6. **The farmers' market shall not cause undue traffic congestion or accident potential, given anticipated attendance and the design of adjacent streets, intersections, parking and traffic controls, and is subject to the following:**
 - a. **All sidewalks shall be left open for pedestrian traffic.**
 - b. **No alleys, driveways, fire lanes or other access points shall be blocked by the farmers' market.**

B. Mobile Food Service

1. The timeframe of a temporary mobile food sales use, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.
2. The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. All mobile food establishments must be properly licensed by the health department.
4. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.
5. The permit holder must keep the area clear of litter and debris at all times. Recycling options are encouraged.
6. Outdoor seating may be provided on the site, but no seating may be permanently installed.
7. A permanent water or wastewater connection is prohibited.
8. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
9. Drive-through service is prohibited.

C. Real Estate Project Sales Office/Model Unit

The following applies to temporary sales offices and model units. If the development maintains a permanent sales office or model unit, which are permitted as part of a residential development, such must be indicated on the site plan for the development.

1. A real estate sales office/model unit(s) is allowed for a residential development. Multiple model units are allowed in a multi-family building or a residential subdivision of 15 or more units.
2. No real estate sales office/model unit(s) may be located off-site, outside of the subject planned unit development, or within a different development.
3. The real estate sales office must be removed and/or closed within 30 days after the sale or rental of the last unit of the development. The model unit(s) must be closed within 30 days after the sale or rental of the last unit of the development. The unit must be converted as stated in item 5 below.

Dwelling - Three-Family. A structure containing three dwelling units on a single lot.

Dwelling - Two-Family. A structure containing two dwelling units on a single lot.

Educational Facility - Primary or Secondary. A public, private, or parochial facility that offers instruction at the elementary, junior high, and/or high school levels.

Educational Facility - University or College. A facility for post-secondary higher learning that grants associate or bachelor degrees. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational facilities – university or college include ancillary uses such as dormitories, cafeterias, restaurants, retail sales, indoor or outdoor recreational facilities, and similar uses.

Educational Facility - Vocational. A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a complete educational curriculum.

Farmers Market. Temporary use of structures and/or land for the sale of a variety of fresh fruits, flowers, vegetables, or ornamental plants, and other locally produced farm and food products, including value-added products and arts and crafts, directly to consumers from farmers or vendors that have taken such items on consignment for retail sale.

Financial Institution. A bank, savings and loan, credit union, or mortgage office.

Financial Institution, Alternative. An alternative financial service (AFS) is a financial service provided outside a traditional banking institution. AFS includes payday loans, tax refund anticipation loans, car title loans, check cashing establishments, and currency exchanges.

Food Bank. A non-profit organization that collects and distributes food to hunger relief organizations. Food is not distributed to those in need from a food bank.

Food Pantry. A non-profit organization that provides food directly to those in need. Food pantries receive, buy, store, and distribute food. Food pantries may also prepare meals to be served at no cost to those who receive them. A food pantry may be part of a place of worship, social service center, homeless shelter, and women's shelter.

Food Truck Vendor. A motor vehicle, or a food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

Funeral Home. An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Gas Station. An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include ancillary retail uses, an ancillary car wash bay, and solar and/or electric charging stations.

Golf Course/Driving Range. A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as ancillary uses. A driving range may be designed as a standalone facility or included as part of a golf course, which is defined as a tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls.

Government Office/Facility. Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices do not include public safety or public works facilities.

Greenhouse/Nursery - Retail. An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale.

Group Home. A group care facility, operated on a for-profit basis, in a residential dwelling for: 1) care of persons in need of personal services or assistance essential for activities of daily living; or 2) care of persons in transition or in need of supervision, including drug and alcohol rehabilitation (excluding medical detoxification). Group home does not include persons who are mentally ill and, because of such mental illness, pose a likelihood of serious harm as defined in Tennessee Code Annotated § 33-6-501, or who have been convicted of serious criminal conduct related to such mental illness. For the purposes of zoning law in Tennessee, the classification "single family dwelling" includes any home in which eight or fewer unrelated persons with disabilities reside, and may include three additional persons acting

RESOLUTION 22-56

A RESOLUTION TO AMEND AND ARTICLE 8, SECTION 4.A OF THE UNIFIED DEVELOPMENT CODE REGARDING FARMERS' MARKETS

WHEREAS, pursuant to TCA 13-4-310, et seq, authority is granted to the Spring Hill Municipal Planning Commission to recommend amendments of the zoning ordinance to the governing body, including, but not limited to, the review and approval of site plans, planned unit developments, overlay districts, mixed use developments, and other types of sustainable design and development of property; and

WHEREAS, on August 20, 2018 the Board of Mayor and Aldermen adopted Ordinance 18-21 to adopt the Unified Development Code, along with subsequent amendments thereto, that sets forth standards and requirements for farmers' markets necessary for the preservation and protection of the public health, safety and general welfare; and

WHEREAS, the City intends to ensure that the development of any land within the City of Spring Hill subject to the standards and requirements set forth in the Unified Development Code and other applicable standards and requirements of the City will reasonably protect the citizens and taxpayers from having undue hardship due to inadequate regulations pertaining to farmers' markets; and

WHEREAS, the creation of farmers' markets is an element of community development which could impact other public facilities, roadways and adjacent lands in a proper and orderly manner in the best interest of the public health, safety and general welfare; and

WHEREAS, the Spring Hill Municipal Planning Commission recognizes that farmers' markets are important to the local community and are in the best interest of citizens, taxpayers, and local business owners; and

WHEREAS, the Spring Hill Municipal Planning Commission acknowledges the importance of understanding the requirements of parking, signage, traffic circulation, and the requirements of a management plan to ensure public health and safety when creating farmers' markets within the City; and

WHEREAS, the Spring Hill Municipal Planning Commission recognizes the necessity of regulating farmers' markets for a temporary use permit application to determine the sufficiency and capacity of the land in question; and

WHEREAS, the Spring Hill Municipal Planning Commission conducted a public meeting on April 25, 2022 as required by the Unified Development Code; and

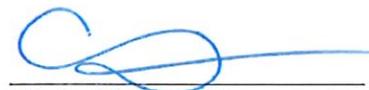
WHEREAS, the Spring Hill Municipal Planning Commission intends to make a recommendation for approval to the Board of Mayor and Alderman regarding the adoption of amendments to Article 8 of the Unified Development Code as attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the City of Spring Hill Municipal Planning Commission hereby adopts Resolution 22-56 recommending approval of the following amendments to the Article 8 of the Unified Development Code:

1. Article 8, Section 8.4 A.1.a., b., and c. of the Unified Development Code, is amended as referenced in the attached Exhibit.
2. Article 8, Section 8.4 A.2 of the Unified Development Code, is amended as reference in the attached Exhibit.
3. Article 8, Section 8.4 A.3 of the Unified Development Code, is amended as referenced in the attached Exhibit.
4. Article 8, Section 8.4 A.4 of the Unified Development Code, is amended as referenced in the attached Exhibit.
5. Article 8, Section 8.4 A.5 of the Unified Development Code, is amended as referenced in the attached Exhibit.
6. Article 8, Section 8.4 A.6.a., b., and c. of the Unified Development Code, is amended as referenced in the attached Exhibit.
7. Effective date of amendments shall coincide with other related amendments pending consideration and approval by the Planning Commission for Subdivision Regulations and Board of Mayor and Aldermen for the Code of Ordinances.

Passed and adopted this 13 day of June, 2022.


Secretary, Planning Commission *Chairman*


Chair, Planning Commission


Secretary