

ORDINANCE 15-16

AN ORDINANCE TO CONFIRM THE R-2 PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION FOR THE NEWPORT CROSSING PLANNED UNIT DEVELOPMENT AS SHOWN IN EXHIBIT A

BE IT ORDAINED BY THE CITY OF SPRING HILL, TENNESSEE BOARD OF MAYOR AND ALDERMEN:

That the Spring Hill Municipal Zoning Ordinance, Ordinance No. 10-20, and the municipal zoning map of the City of Spring Hill, as the same have been previously amended, are hereby confirmed for the R-2 Planned Unit Development classification of Newport Crossing located off of New Port Royal Road as shown in the attached "Exhibit A".

BE IT FURTHER ENACTED, that the R-2 Planned Unit Development classification of Newport Crossing is confirmed for the remaining undeveloped properties identified in Exhibit A as "Executive Condominiums" and "Commercial", subject to the following conditions of approval:

1. The use, bulk, and area criteria for the "executive condominiums" shall be subject to those of the R-4 zoning district. No further BOMA action shall be required for development of the property. Development approval shall be obtained from the Planning Commission through a site plan application and shall be subject to the zoning, subdivision, and design criteria adopted at the time of that application. The approval of the use of the property shall not expire unless a rezoning application is submitted for consideration and approval
2. The use, bulk, and area criteria for the commercial lot shall be subject to those of the B-4 zoning district. No further BOMA action shall be required for development approval of the property. Development approval shall be obtained from the Planning Commission through a site plan application and shall be subject to the zoning, subdivision, and design criteria adopted at the time of that application. The approval of the commercial use of the property shall not expire unless a rezoning application is submitted for consideration and approval.

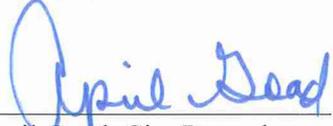
BE IT FURTHER ENACTED, that this Ordinance shall take effect from and after its adoption the public welfare requiring it.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 20th day of July, 2015.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

SUBJECT: Ordinance 15-16 (Newport Crossing)

DATE: June 1, 2015

ATTENTION: Board of Mayor & Aldermen

DEPARTMENT HEAD: Dara Sanders, City Planner



STAFF MEMORANDUM

Background

Based on City records containing Planning Commission and Board of Mayor and Aldermen (BOMA) meeting agendas and minutes for this Planned Unit Development (PUD), staff has determined that the review and approval process for a PUD stipulated in the City's Zoning Ordinance was not administered correctly. While minutes indicate that a request for approval of a PUD was considered and approved by the BOMA, an ordinance to rezone the property to allow for relief from the use, bulk, and area requirements of the underlying R-2 zoning district was not approved. Because a PUD is a rezoning action on a property, only BOMA approval of an ordinance can officially grant the requested ordinance relieve conveyed through the PUD.

As indicated in the preliminary development plan that was approved incorrectly by BOMA on April 16, 2001, the subject property was identified only as "Executive Condominiums", and the required information for a preliminary development plan was not included. It is staff's determination that this was an incomplete application, in addition to being processed and approved improperly. Additionally, the timing of the commercial area was proposed and approved to be constructed within 24 months of approval. This deadline of April 16, 2003, was not met or enforced.

Request

Staff requests confirmation and renewal of a PUD designation for the two remaining undeveloped properties in the Newport Crossing PUD to allow for a multi-family development containing up to 192 dwelling units and to allow for commercial development under the B-4 zoning district use, bulk, and area criteria.

The Planning Commission forwarded the Planned Unit Development to the BOMA with a recommendation for approval on April 9, 2001.

Recommendation

Staff recommends that the PUD be confirmed and renewed, that the multi-family property be subject to the criteria of the R-4 zoning district, and that the commercial property be subject to the criteria of the B-4 zoning district. Staff has attached the R-4 and B-4 zoning districts to this report. However, staff finds that preliminary development approval for the commercial lot is not being granted at this time, therefore the regulations adopted at this time would not be vested for the property. Development of these properties will be required to adhere to the regulations adopted at the time of the development request.

Section 5. (R-4) Residential District (High Density).

Intent: To accommodate relatively large numbers of dwelling units in relation to land area at locations where large volumes of traffic can be safely handled; public schools, water, sewerage, and other community facilities are readily available; and commercial services are within normal walking distance.

Within the R-4 Residential Districts, as shown on the municipal zoning map, the following shall apply:

5.1 Uses Permitted.

- 5.1(1) Single-detached dwellings.
- 5.1(2) Duplex dwellings.
- 5.1(3) Townhouses.
- 5.1(4) Condominiums, in accordance with Subsection 5.7 of this Article.
- 5.1(5) Triplex dwellings.
- 5.1(6) Quadruplex dwellings.
- 5.1(7) Zero-lot line dwellings.

5.2 Uses Permitted on Appeal.

- 5.2(1) Uses or structures permitted on appeal in R-1, Residential Districts.
- 5.2(2) Rooming houses.
- 5.2(3) Boarding houses.

5.3 Uses Prohibited.

- 5.3(1) Mobile homes on individual lots, mobile home parks, planned unit developments, apartments, all commercial uses and all industrial uses that are not specifically permitted, permitted on appeal, or permitted by implication, are strictly prohibited.

5.4 Lot Area, Lot Width, Yards and Building Area.

The principal structure or structures shall be located to comply with the following requirements:

- 5.4(1) Lot Area, Lot Width, and Building Area.

5.4(1.1) For single-family, two family and three-family dwellings:

- Minimum lot Area for single family 6,000 sq. ft.
 - Minimum lot area for each additional family 3,000 sq. ft.
 - Minimum lot width at building line 40 feet
 - Minimum rear yard 25 feet
 - Minimum side yard:..... 5 feet
 - Minimum rear buffer yard:..... 25 feet
- (Changed by Ord. 07-30; 09-30.)

5.4(1.2) For single multi-family buildings:

- Minimum lot area for four-unit building 19,000 sq. ft.
 - Minimum lot area for each additional dwelling unit, after first four (4) and not to exceed eighteen (18) units..... 2,400 sq. ft.
 - Minimum lot width at building line 75 feet
 - Minimum rear yard 25 feet
 - Minimum side yard:
 - For one or two-story buildings 10 feet
 - Plus an additional five (5) feet for each additional story
 - Minimum rear buffer yard 25 feet
- (Changed by Ord. 07-30.)

5.4(2) Front Yards.

All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance shown below, according to their classifications as indicated on the latest official municipal thoroughfare plan.

- Arterial Street 50 feet
- Collector Streets 40 feet
- Minor Streets 30 feet

5.4(3) Building Area.

On any lot or tract containing a multi-family structure or structures, the area occupied by all structures, including accessory structures, shall not exceed fifty percent (50%) of the total area. On any other lot, the total building area shall not exceed thirty-five percent (35%). Accessory structures shall not cover more than thirty percent (30%) of any required rear yard.

5.5 Height.

Principal structures shall not exceed fifty (50) feet in height.

5.6 Location of Accessory Structures.

5.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yard.

- 3.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.
- 3.6(2) Accessory structures shall be located at least ten (10) feet from rear lot lines and five (5) feet from any building on the same lot.

Section 4. (B-4) Central Business District

Intent. To recognize the area of best overall accessibility to all portions of the community, so as to accommodate the widest range of comparison goods stores, specialty shops, business and personal services, or other commercial activities compatible in close grouping and thus suited to shopping by pedestrians.

4.1 Uses Permitted.

- 4.1(1) Any use permitted in B-1, B-2, and B-3 Districts.
- 4.1(2) Places of amusement and assembly, hotels, public garages or other motor vehicle services. Mini-warehouse storage units limited to indoor storage only.
- 4.1(3) Any retail or wholesale business or service.
- 4.1(4) The making of articles to be sold at retail on the premises, provided, however, that any manufacturing shall be restricted to light manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer and where not more than five (5) operatives are employed in such manufacture.
- 4.1(5) Any accessory use or building customarily incidental to the above permitted uses.
- 4.1(6) Apartments, in accordance with Article VII, Subsection 2.1(1).
- 4.1(7) Restaurants.

4.2 Uses Permitted on Appeal.

Any other use, except uses allowed in industrial districts.

4.3 Uses Prohibited.

Any use which in the opinion of the Board of Zoning Appeals, would be injurious because of offensive fumes, odors, just or objectional features hazardous to the community on account of fire, explosion, health or aesthetics even when conducted under adequate safeguards.

4.4 Lot Area, Lot Width, Yards and Building Area.

4.4(1) No minimum lot area is required, however, off-street parking and loading/unloading requirements shall be observed.

4.4(2) Lot Width.

The minimum lot width at the building shall be twenty (20) feet.

4.4(3) Yards.

The minimum front yard shall be ten (10) feet.

No minimum side yard unless the lot is adjacent to a residential district, at which time a twenty-five (25) foot minimum buffer yard shall be required.

Rear yards shall be a minimum of twenty-five (25) feet for one story buildings and five (5) feet for each additional story.

A minimum Buffer Yard of twenty-five (25) feet shall be required
(Changed by Ord. 07-30.)

4.5 Height.

Buildings hereafter constructed shall not exceed seventy (70) feet in height. Buildings that exceed fifty (50) feet in height must do so with the approval of the Planning Commission and follow public notification as prescribed in Article 19 of this Ordinance.

4.6 Location of Accessory Structures.

No restrictions.