

ORDINANCE 14-08

**AN ORDINANCE TO AMEND ORDINANCE 86-47, THE SAME BEING
THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE
BY AMENDING ARTICLES III (3), VI (6), VII (7) and VIII (8).**

BE IT ORDAINED BY THE CITY OF SPRING HILL:

WHEREAS, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and the general laws of the State of Tennessee, have right to enact an amend the Spring Hill Zoning Ordinance 86-47; and

WHEREAS, the Tennessee Code Annotated Article 57 has been modified to regulate and allow Microbrewery and Microdistillrey establishments in conjunction with retail; and

WHEREAS, the Spring Hill Municipal Planning Commission has recommended to the Board of Mayor and Aldermen on the 10th of March 2014 to amend Zoning Ordinance 86-47 of the City of Spring Hill, as hereafter described;

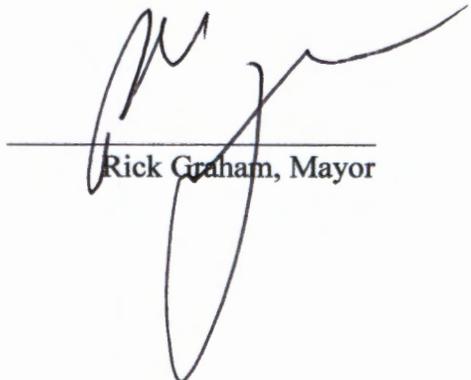
**BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND
ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE.**

Section 1. That ARTICLES III (3), VI (6), VII (7) and VIII (8) of Zoning Ordinance 86-47 of the City of Spring Hill is hereby amended as stated in Exhibit "A".

BE IT FURTHER ENACTED, that all ordinances or parts of ordinances in conflict herewith, be and same hereby, are repealed or modified as the case may be.

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 21st day of April, 2014**



Rick Graham, Mayor

Exhibit "A" Ord 14-08

ARTICLE III

DEFINITIONS (Chg by Ord 13-11)

Except where definitions are specifically included in various articles and sections, words in the text or tables of this ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In any case, the Building Official and the Board of Zoning Appeals shall have the right to interpret the definition of any word.

Accessory - An activity or structure that is customarily associated with and is appropriately incidental and subordinate to the principal activity and/or structure and located on the same lot.

Addition (to an existing building): - Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction. The placement of a single-wide, double-wide, or triple-wide mobile home adjacent to an existing building with a connecting roof or other covering between the existing building and the single-wide, double-wide, or triple-wide mobile home is not an addition and shall be prohibited. Seventy-five (75) percent of the addition must be constructed on-site.

Alley - A public way intended to provide only secondary vehicular access to abutting properties.

Automobile sales and service – The principal activity of sales, general maintenance and/or servicing of vehicles such as sales with or without incidental vehicle restoration services, rental or leasing facilities also lubrication, tires sales and mounting, and alignment shops.

Automobile restoration – The principal activity of returning motor vehicles to a former condition and/or removing, installing or painting a vehicle structure. The activity includes such uses as vehicle painting facilities and vehicle body shops.

Brewery – An establishment where malt liquors or fermented malt beverages exceeding 15,000 barrels (1 barrel containing 31 gallons) a year.

Buffer Yard – a unit of open space improved with screening and/or landscaping materials used to increase compatibility between commercial or industrial districts adjacent to any residential district, or residential developments of differing densities and/or intensities which may or may not be greater than the required yard areas for the zoning district. (Changed by Ord. 07-30.)

Building - Any structure constructed or used for residence, business, industry or other public and private purposes, or accessory thereto, and including signs, tents, mobile homes and similar structures whether stationary or movable.

Building Setback Line - A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise noted.

Building Setback Line (Front) - A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from the future street right-of-way line, and the future building on a lot. The front setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

right-of-way line, and the future building on a lot. The front setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

Building Setback Line (Rear) - A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

Building Setback Line (Side) - A line delineating the minimum allowable distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear setback line.

Building Area - That portion of a zone lot which, when viewed directly from above, could be covered by a building or any part of a building.

Commercial Use - Any retail or wholesale trade activity including services.

Common Open Space - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

Convenience Commercial - The retail sale of small convenience food products, drugs and other frequently needed small personal convenience items such as toiletries, tobacco, and magazines, as well as the provision of personal convenience services which are typically needed frequently or recurrently, such as barber and beauty care and self-service laundromats. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

Distillery - An establishment where spirituous liquors are manufactured and exceed 10,000 barrels that have a manufacturer's or wholesaler's license under the Tennessee Code Annotated.

Dwelling - A building or part thereof used as a habitation under one of the following categories:

1. Single-detached dwelling means a building and accessories thereto principally used, designed or adapted for use by a single family.
2. Duplex dwelling means a building and accessories thereto principally used, designed or adapted for use by two (2) families, the living quarters of each of which are completely separate.
3. Apartment dwellings mean a building and accessories thereto principally used, designed or adapted for use by three (3) or more families, each of which has separate living quarters intended solely as rented or leased living quarters.
4. Rooming house means a building and accessories thereto principally used, designed or adapted to provide living accommodations for not more than six (6) occupants and without owner-provided cooking and dining facilities.
5. Boarding house means a building and accessories thereto principally used, designed or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.
6. Townhouse means a two-story residential structure containing three (3) or more single non-detached dwelling units separated by a common vertical wall.

Lot of Record - A lot which is part of a subdivision recorded in the office of the County Register, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Microbrewery - A brewery that produces no more than 15,000 barrels (1 barrel is 31 gallons) of beer in a year. Microbreweries may or may not include an on-site tasting room, and may or may not operate in conjunction with a bar. If operated in conjunction with a restaurant, the operation shall be considered a brewpub.

Microdistillery - Any place or premises wherein any wines or liquors are manufactured for sale, not to exceed 10,000 barrels per year, generally referred to as a craft, boutique, or artisan distillery. Microdistilleries may or may not include an on-site tasting room, and may or may not operate in conjunction with an on-site restaurant or bar. If operated in conjunction with a restaurant, the operation shall be considered a brewpub.

Mobile Home Park - A development which is designed and constructed to accommodate mobile homes.

Nonconforming Use - A lawful use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this ordinance or as a result of any subsequent amendment.

Open Space - A parcel or parcels of land and/or an area of water within the site designated as a cluster housing development or other such concept and designated and intended for use or enjoyment of the occupants of said development. "Open Space" may contain such complimentary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development. A parking lot shall not be considered as "open space."

Parking Lot - A vehicular storage area.

Parking Space - An off-street space available for the parking of one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passage-ways and driveways appurtenant thereto and having direct access to a street or alley.

Planned Unit Development - As used herein, planned unit development, "PUD," shall mean interrelated development adhering to a master development plan and located on a contiguous tract of land. Lands which are divided by streets, roads, ways, highways, transmission pipes, lines or conduits, or rights-of-way (in fee or by easement) shall be deemed to be contiguous for purposes of this ordinance.

Principal Structure - A building which contains the principal activity or use located on a lot on which it is situated.

Office - The term, office, is intended to apply to physicians and surgeons, lawyers, members of the clergy, architects and engineers. It shall also include insurance agents, insurance adjusters, realtors and similar office users but not photo studios, beauty parlors, barber shops, dance schools, business schools or other such uses. In permitting office as home occupations, and only as accessory uses in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but only residences occupied by persons engaged in office use, as herein defined, shall be permitted.

Required Yard - That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

Use - The performance of a function or operation which constitutes the use of land.

Winery – An establishment where vinous liquors are manufactured that has a manufacture's or wholesaler's license under the Tennessee Code Annotated.

Yard - An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance. At the time of application for a building permit, the Front, Rear and Side Yards shall be designated.

1. Front Yard - The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.
2. Rear Yard - The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
3. Side Yard - A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

ARTICLE VI

PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

Section 1. (AG) Agricultural Districts.

Intent: This district is intended to preserve the rural character of land within the planning region specifically allowing agricultural purposes, those buildings necessary to support those purposes and low density residential development. This district may include areas and lands not suitable for development due to limitations of soil, geology or topography. This district will include community facilities, public utilities and open uses which specifically serve the residents of the district. Facilities which are enhanced by an open environment and which do not deter from the overall rural character of the district are also included.

Within the AG Agricultural Districts as shown on the zoning map, the following regulations shall apply:

1.1 Uses Permitted.

- 1.1(1) Agricultural activities, including crop and animal raising.
- 1.1(2) Uses permitted within (R-1) Residential Districts.
- 1.1(3) The mining of phosphate and the hauling of phosphate material.
- 1.1(4) Accessory uses and structures customarily incidental to the above permitted uses.

1.2 Uses Permitted on Appeal.

Churches and other places of worship, schools offering general education courses, public parks and public recreational facilities, private recreational facilities, and winery subject to such restrictions as the Spring Hill Board of Zoning Appeals deem necessary, railroad rights-of-way, municipal, county, state, or federal uses except storage facilities, cemeteries, philanthropic institutions and clubs, except clubs the chief activities of which are customarily carried on as business, and any other similar uses or structures subject to such conditions as the Spring Hill Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

1.3 Uses Prohibited.

- 1.3(1) All other types of dwellings (as defined in Article III of this ordinance), mobile home parks, apartments, planned unit developments, all commercial uses and all industrial uses that are not specifically permitted, permitted on appeal or permitted by implication are strictly prohibited. Any building or structure containing a toilet or other means of the disposal of human waste which will not be served by the sanitary sewer system to be constructed on a lot or other parcel of land containing less than 1 1/2 acres. The construction of a septic tank or other means of the disposal of human waste which will not be connected to the sanitary sewer system on any area that has not been approved by the appropriate agency for septic tanks.

2.4 Lot Area, Lot Width, Yards and Building Area. (Changed by Ordinance 12-14)

2.4(1) Lot Area.

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

2.4(2) Lot Width.

Lot width at the building setback line shall be seventy-five (75) feet.

2.4(3) Yards.

All principal and accessory structures shall be set back from the right-of-way lines of streets the minimum distance of thirty (30) feet.

On lots adjacent to a residential zone, all buildings shall be located so as to conform with the side yard requirements of the adjacent residential zone.

Rear yards shall be a minimum of twenty (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.)

2.4(4) Building Area.

Maximum building area shall be forty percent (40%) of the total lot area.

2.5 Height.

Buildings hereafter constructed shall not exceed fifty (50) feet in height.

2.6 Location of Accessory Structures.

2.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.

2.6(2) Accessory structures shall be located at least five (5) feet from all rear lot lines and from any building on the same lot.

Section 3. (B-3) Intermediate Business District.

Intent. This district is designed primarily to provide sufficient space primarily along arterial and collector streets for establishment and uses engaged in wholesale and retail trade, offering a wide variety of products and services.

3.1 Uses Permitted.

3.1(1) Automobile sales and service, bank, barbershop or beauty parlor, bus terminals, churches, clinics, drive-in restaurants, dry cleaning and laundry establishments, filling stations, funeral homes, hotels, indoor theaters, manufacture of articles to be sold at retail on the premises (provided such manufacturing is incidental to the retail business and employs not more than five (5) operators), motels, offices,

outdoor advertising signs and outdoor advertising structures, parking lots, parking garages, places of amusement, printing and engraving establishments, public buildings, public and private clubs, retail businesses, used car lots, wholesale businesses, **microbrewery, microdistillery**, day care centers, retirement and assisted living facilities, and full medical care nursing homes.

3.1(1)a **Brewpubs (at least 25% of gross building square footage is encompassed as restaurant space and/or tasting room)**

3.1(2) Accessory structures.

3.2 Uses Permitted on Appeal.

3.2(1) Churches.

3.2(2) Warehouses.

3.2(3) Any use complying with the intent of the district.

3.2(4) Restaurants.

3.2(5) Establishments that sell or serve intoxicating beverages.

3.3 Uses Prohibited.

Uses not specifically permitted.

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

3.4(1) No minimum lot area is required, however, off-street parking and loading/unloading requirements shall be observed.

3.4(2) Lot Width.

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

3.4(3) Yards.

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

No minimum side yard unless the lot is adjacent to a residential district, at which time a ten (25) foot minimum buffer yard.

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.)

3.5 Height.

Buildings hereafter constructed shall not exceed fifty (50) feet in height.

3.6 Location of Accessory Structures.

ARTICLE VIII

PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

(As Amended by Ordinances 85-17 and 13-11)

Prior to any construction or site improvements for industrial use or activity, a sketch plan meeting the minimum requirements specified in Article IV, Section 8.1 is required to be reviewed and approved by the Planning Commission. In general, the sketch plan shall be sufficient to indicate the intended use and development of the property. (Amended by Ordinance 13-11)

After sketch plan approval of an industrial use or activity, a site plan meeting the minimum requirements specified in Article IV, Section 8.2 is required to be reviewed and approved by the Planning Commission. In general, the site plan shall be sufficient to indicate the ultimate intended use and development of the property. (Amended by Ordinance 13-11)

Section 1. (M-1) Industrial District (Light).

Intent. To provide for industrial and other uses intermediate between commercial, heavy industrial, or special industrial uses and lower intensity uses by permitting uses performing administrative, professional and technical services and non-intrusive manufacturing uses by creating a Light Industrial District. Developments located in landscaped business office or industrial park or campus or similarly well-designed settings are envisaged, which will minimize detrimental effects on the proximate lower intensity uses. To the extent possible, natural features, such as large trees, natural groves, water courses, and similar assets will be preserved to secure the attractiveness and value of property within and adjacent to these districts to promote community health and welfare.

Further, to restrict Light Industrial District use to those industrial uses which are in the main compatible with the nearby properties in agricultural, residential or commercial use. And finally, to protect industrial land from encroachment by other land uses.

Within M-1 Industrial Districts, as shown on the municipal zoning map, the following regulations shall apply:

1.1 Uses Permitted.

- 1.1(1) Uses associated with the functions of education, research, design, technical training and experimental product development when conducted wholly within a completely enclosed building.
- 1.1(2) Professional offices, including medical offices and clinics and public office buildings.
- 1.1(3) Data processing and computer centers, including service and maintenance of electronic data processing equipment.
- 1.1(4) Open space recreational uses such as golf courses and ball diamonds.
- 1.1(5) Day care centers.
- 1.1(6) Visitor orientation centers.

- 1.1(7) Conference centers with attendant lodging facilities for students enrolled in and instructors employed by educational and research institutions and for visitors to such facilities and to the Town of Spring Hill.
- 1.1(8) Accessory uses or structures customarily incidental to any of the above permitted uses 1.1(1) to 1.1(7), such as services for employees or students and other persons, customarily associated with the permitted uses. Examples of such accessory uses are: coffee shops, restaurants, barber shops, tobacco shops and landscaped parking areas.
- 1.1(9) Enclosed industrial uses such as the manufacture and/or cleaning of textiles and apparel, fabrication and assembly of small machinery and parts, accessories and equipment for transportation equipment including automobiles, and other products of metal, wood or other materials, baker, carpenter's shop, machine shop, printing, bottling works, and similar uses.
- 1.1(10) Enclosed wholesaling, warehousing and storage uses, truck terminals and public uses necessary to service the area.
- 1.1(11) Animal hospitals.
- 1.1(12) Electrical switching or transforming stations.
- 1.1(13) Ice manufacture or cold storage.
- 1.1(14) Enclosed wholesale food market.
- 1.1(15) Cellular telephone towers or structures.
- 1.1(16) Pet kennels; boarding and grooming facilities; and similar uses, as determined by the planning commission.
- 1.1(17) Accessory uses or structures customarily incidental to permitted uses 1.1(9) to 1.1(16).

- 1.1(18) Automobile restoration
- 1.1(19) Microbrewery and Microdistillery

1.3 Uses Prohibited.

Uses not specifically permitted.

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

1.4(1) Lot Area.

The minimum lot area shall be ten thousand (10,000) square feet.

1.4(2) Lot Width.

The minimum lot width at the building shall be fifty (50) feet.

1.4(3) Yards.

The minimum front yard shall be thirty (30) 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.)

1.4(4) Building Area.

The front yard shall be of landscaped surfaces, including grass, trees and shrubs, and at least fifteen percent (15%) of the site, inclusive of front, side and rear yards, shall also be landscaped surfaces. All off-street parking, loading and unloading requirements shall apply.

1.4(5) Landscaped Parking Barriers.

The landscaped area shall be contiguous along the entire frontages except at such points of approved vehicular access, and shall consist of landscaped materials to include berms, trees, shrubs, and grasses; provided, however, that no landscaping materials shall obscure the vehicle or pedestrian line of sight for safety purposes.

1.5 Height.

Buildings hereafter constructed shall not exceed three (3) habitable stories; provided, however, that industrial buildings shall not be limited to three (3) habitable stories for those portions of the building not designated to be habitable.

1.6 Location of Accessory Structures.

Accessory structures shall be located at least ten (10) feet from all lot lines and from any building on the same lot.

Section 2. (M-2) Industrial District (Heavy).

Intent. To accommodate industrial uses which are less compatible with non-industrial uses than are the uses permitted in M-1 Districts. However, extensive landscaping or land left in its natural state should be respected in the siting of M-2 uses to minimize detrimental effects on the proximate lower intensity uses and to secure the attractiveness and value of property within and adjacent to these districts and to procure community health and welfare.

2.1 Uses Permitted.

- 2.1(1) Manufacturing and assembly uses relating to the manufacture and assembly of transportation equipment (including aircraft, motor vehicles, boats and rail transport equipment). Manufacturing and assembly plants are permitted which include the following uses operated in connection with such manufacturing and assembly operations: mining and quarrying; the operation of a cement batch plant; the operation of an asphalt plant when this activity is conducted on a temporary basis in conjunction with the construction of a manufacturing or assembly facility; ore smeltery establishments; foundries; and plastic forming facilities.
- 2.1(2) Manufacturing and processing industries generally with the exception of those specifically or by implication otherwise classified in this Article VIII.
- 2.1(3) Commercial, educational, research, and recreational facilities operated as an accessory use and auxiliary to the principal activity.

2.1(4) **Brewery and/or Distillery**

2.2 Uses Prohibited.

Residential uses, commercial uses (except as specifically allowed in 2.1(3)) and uses permitted on appeal in M-3 (Special) Districts.

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

2.3(1) Lot Area.

The minimum lot area shall be ten thousand (10,000) square feet.

2.3(2) Lot Width.

The minimum lot width at the building shall be fifty (50) feet.

2.3(3) Yards.

The minimum front yard shall be thirty (30) 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.)

2.4 Height.

Buildings hereafter constructed shall not exceed three (3) habitable stories; provided, however, that industrial buildings shall not be limited to three (3) habitable stories for those portions of the building not designed to be habitable.

2.5 Location of Accessory Structures.

No restrictions.

Section 3. (M-3) Industrial District (Special).

Intent. To provide suitable areas for intense or potentially noxious industrial operations, including open land operations. Secondly, to protect these industrial lands from encroachment by other uses.

3.1 Uses Permitted.

None.

3.2 Uses Permitted on Appeal.

3.2(1) Uses such as smelting plants (except as allowed by paragraph 2.1(1) of this Article VIII), fat rendering, inflammable liquids storage, and manufacturing of acids, **brewery, distillery**, public uses, tanneries, slaughter houses, glue factories, oil refineries, soap factories, artificial gas manufacture, rubber manufacture, fertilizer manufacture, mining and quarrying, the operation of a cement batch or asphalt plant except when such operation is conducted on a temporary basis in conjunction with the construction of a manufacturing or assembly facility, heavy repair, dismantling industry, scrap yards, and similar uses.

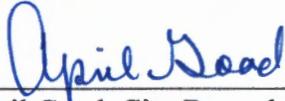
3.2(2) Motor vehicle salvage yard and unlicensed vehicle storage yard if operated in compliance with the following provisions:

3.2(2.1) There shall be no measurable vibration beyond the property line of the tract of real estate on which the operation of a motor vehicle salvage yard is conducted.

3.2(2.2) Motor vehicle salvage yards and unlicensed vehicle storage yards must be confined to a clearly defined area which shall have a site screening fence or fence and plantings, with the fence not less than ten (10) feet in height around all areas in which any activity or storage is conducted, and being set back twenty-five (25) feet from the street line. No activity or storage shall be visible from public highways and roads.

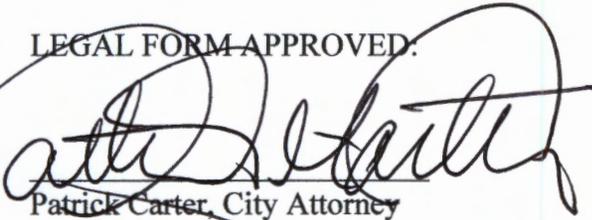
3.2(2.3) It shall be unlawful for any owner, manager or employee of a motor vehicle salvage yard to set fire to, or cause to be burned, any pile or accumulation of materials whatsoever which, because of the highly combustible nature of the materials, or because of the size and/or quantity of the pile or accumulation, or because of the location of the pile or accumulation in the yard, endangers the life or property of any other person.

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

Passed on First Reading: March 17, 2014

Passed on Second Reading: April 21, 2014