

## **ORDINANCE 13-11**

### **AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE AS IT PERTAINS TO ARTICLES III, IV, VI, VII, AND VIII**

**WHEREAS**, the City of Spring Hill Board of Mayor and Aldermen may, pursuant to its charter and general laws of the State of Tennessee, amend the Spring Hill Zoning Ordinance in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community;

**BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE** that the Zoning Ordinance of the City of Spring Hill, Tennessee, be amended as hereafter described, as recommended by the Spring Hill Municipal Planning Commission.

**THAT;** the Zoning Ordinance of the City of Spring Hill, Tennessee, is hereby amended by amending Article III (Definitions) to add:

Site Plan- A site specific plan of non-residential developments offering information in regard to proposed improvements and natural features of the property. The site plan shall include information such as, but not limited to, roadways, utilities, landscaping, building information, including exterior materials of the proposed building, parking, lighting, signage, pedestrian access, and storm water drainage.

Sketch Plan- An initial submittal to the City consisting of a general concept of the proposed non-residential development.

**THAT;** the Zoning Ordinance of the City of Spring Hill, Tennessee, is hereby amended by amending Article IV (General Provisions), Section 8 (Material to be Submitted for Review) to be replaced in its entirety to read:

Section 8. Material to be Submitted for Review.

#### 8.1 Sketch Plan

##### 8.1.1 General

Sketch plans submitted to the Planning Commission, prepared in pen or computerized drawing shall be drawn to a convenient scale no smaller than two hundred (200) feet to an inch.

##### 8.1.2 Features

Prior to the issuance of any building permit for a non-residential commercial or industrial use or activity, a sketch plan meeting the minimum requirements of this section shall have received the approval of the Planning Commission. In general, the sketch plan shall be sufficient to indicate the ultimate intended use and development of the property. The sketch plan shall indicate:

- a. The actual shape, location, and dimensions of the lot.

- b. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.
- c. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the building is intended to accommodate.
- d. Topographic features.
- e. Identification of Historically Significant Properties (as designated by the board of mayor and aldermen) within 300ft of the property.
- f. Location of all driveways and entrances.
- g. Locations of all accessory off-street loading berths.
- h. Location of open space.
- i. Proposed ground coverage, floor area, and building heights.
- j. Position of fences and walls (materials specified).
- k. Position of screen planting (type of planting specified).
- l. Proposed means of surface drainage.
- m. Location of all easements and rights-of-way.
- n. Location of areas subject to flooding.
- o. Landscaping areas, including plans for Buffer Yards
- p. Colored architectural elevation views and proposed exterior materials.

## 8.2 Site Plan

### 8.2.1 General

Site plans submitted to the Planning Commission, prepared in pen or computerized drawing shall be drawn to a convenient scale no smaller than two hundred (200) feet to an inch.

### 8.2.2 Features

Prior to the issuance of any building permit for a non-residential commercial or industrial use or activity, a site plan meeting the minimum requirements of this section shall have received the approval of the Planning Commission. In general, the site plan shall be sufficient to indicate the ultimate intended use and development of the property. The plan, if necessary, has been

reviewed by the Spring Hill Historic Commission as required by Title 2, Chapter 4 of the Spring Hill Municipal Code. The plan shall indicate:

- a. The actual shape, location, and dimensions of the lot.
- b. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.
- c. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the building is intended to accommodate.
- d. Topographic features (contours not greater than five (5) foot intervals).
- e. Identification of Historically Significant Properties (as designated by the board of mayor and aldermen) within 300ft of the property.
- f. Location of all driveways and entrances.
- g. Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided.
- h. Locations of all accessory off-street loading berths.
- i. Location of open space.
- j. Proposed ground coverage, floor area, and building heights.
- k. Position of fences and walls (materials specified).
- l. Position of screen planting (type of planting specified).
- m. Location, type, and size of proposed signs.
- n. Proposed means of surface drainage.
- o. Location of all easements and rights-of-way.
- p. Location of areas subject to flooding.
- q. Landscaping plans, including plans for Buffer Yards. (Changed by Ord. 07-30.)
- r. Architectural plans.
- s. Any other information deemed necessary by the Planning Commission at sketch plan approval.

**THAT;** the Zoning Ordinance of the City of Spring Hill, Tennessee, is hereby amended by amending Article VI (Provisions Governing Residential Districts), Section 5.7 (2.2) (Planning Commission Recommendation) to be replaced in its entirety to read:

Twelve (12) copies of the proposal containing the information required above shall be submitted to the Spring Hill Planning Commission at least twelve (12) days in advance of scheduled Work Session, for recommendation. The Planning Commission may:

- (a) Recommend Approval of the plan as submitted.
- (b) Recommend disapproval of the plan.
- (c) Recommend approval of the plan with conditions or recommendations for alterations.

**THAT;** the Zoning Ordinance of the City of Spring Hill, Tennessee, is hereby amended by amending Article VI (Provisions Governing Residential Districts), Section 5.7 (2.3) (Action by Board of Mayor and Aldermen) to be replaced in its entirety to read:

After review and recommendation by the Planning Commission, the applicant may proceed to the Board of Mayor and Aldermen with the proposal. At the meeting of the Board where the proposal is presented, the site development plan, along with the action recommended by the Planning Commission shall be presented for review. The Board of Mayor and Aldermen may approve or disapprove the proposal, or in an instance where the Planning Commission has recommended approval with conditions or recommendations for alterations, the Board may establish specific conditions within the purview of this ordinance for approval. Upon action by the Board of Mayor and Aldermen approving the plan and the proposed change in zoning classification, the applicant may proceed to prepare and present to the Planning Commission a final site development plan as set forth in Section 5.7(3) (below).

**THAT;** the Zoning Ordinance of the City of Spring Hill, Tennessee, is hereby amended by amending Article VI (Provisions Governing Residential Districts), Section 5.7 (3.2) (Review Procedure) to be replaced in its entirety to read:

Twelve (12) copies of the proposal containing the information required above shall be submitted to the Spring Hill Planning Commission at least twelve (12) days in advance of scheduled Work Session, for consideration. The Planning Commission may, upon a finding of substantial compliance (as set forth in Section 5.7(3.3) below):

- (a) Approve the plan as submitted.
- (b) Disapprove the plan.
- (c) Approve the plan with modifications. In any instance where a plan is approved with modifications, the issuance of a use and occupancy permit shall be conditioned upon compliance with these modifications.

**THAT;** the Zoning Ordinance of the City of Spring Hill, Tennessee, is hereby amended by amending Article VII (Provisions Governing Business Districts) to insert the following paragraphs after the title before Section 1:

Prior to any construction or site improvements for non-residential commercial 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.

After sketch plan approval of a non-residential commercial 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.

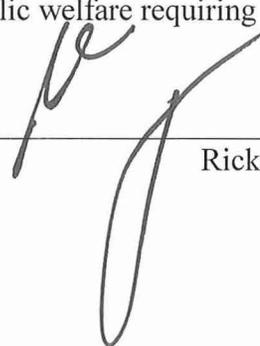
**THAT;** the Zoning Ordinance of the City of Spring Hill, Tennessee, is hereby amended by amending Article VIII (Provisions Governing Industrial Districts) to insert the following paragraphs after the title before Section 1:

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.

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.

**BE IT FUTHER ENACTED** by the Board of Mayor and Aldermen of the City of Spring Hill that ordinance shall take effect from and after its final passage, the public welfare requiring it.

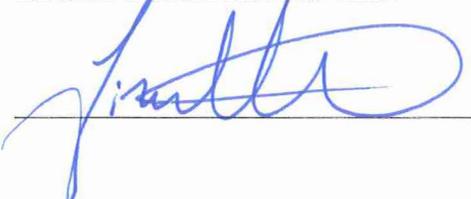
Passed and adopted on May 20, 2013.

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_

Timothy P. Underwood, City Attorney

Passed First Reading: April 22, 2013

Passed Second Reading: May 20, 2013

**TO:** Board of Mayor and Aldermen (BOMA)  
**CC:** City Administrator Victor Lay, Chris Brooks, John Pewitt  
**FROM:** Jonathan Duda, Alderman and BOMA Delegate to the Planning Commission  
**SUBJECT:** Ordinance 13-11 – Considerations  
**DATE:** March 10, 2013

---

Ordinance 13-11, an “Ordinance to Amend the Zoning Ordinance of the City of Spring Hill, Tennessee as it Pertains to Articles III, IV, VI, VII, and VIII”, is a comprehensive amendment of the Zoning Ordinance that is primarily a result of coordinating the new Subdivision Regulations recently completed by the Planning Commission with the Zoning Ordinance. In addition to the coordination of the two documents, additional amendments are being proposed to provide clarification and also correction to some omissions that currently exist in the Zoning Ordinance.

This memo will serve to summarize some of the proposed changes and also serve as basis for discussion as to whether additional discussion or considerations are warranted.

**Brief Summary of the difference between Subdivision Regulations and the Zoning Ordinance:** State Law enables the Planning Commission (PC) to adopt and maintain Subdivision Regulations to cover a wide range of activities related to subdivision and/or development of land within the City of Spring Hill. Subdivision/development activities can range from a simple subdivision of one lot into two lots, to the development of a large tract into hundreds of lots with new streets, utilities and other related improvements. The Subdivision Regulations generally provide the technical requirements for the subdivision of land. The Board of Mayor and Aldermen (BOMA) are not involved in the adoption or amendment of the Subdivision Regulations.

In addition to the Subdivision Regulations, the Zoning Ordinance serves as a companion guide to all other aspects of land development. Generally, the specific use applicable to a specific lot is defined in the Zoning Ordinance, which also includes a Zoning Map, allowable setbacks and buffer requirements, and other Legislative Regulations (i.e. Laws) pertaining to development.

The Zoning Ordinance and Subdivision Regulations are intended to work in concert to guide and regulate development in a way that reflects of the goals of the community.

All amendments to the Zoning Ordinance require a recommendation from the PC, and the BOMA has the final say. According to Ordinance adoption procedure for Spring Hill, Zoning Ordinance Amendments require two readings and approvals by the BOMA.

**Brief Summary of current Amendments proposed in Ordinance 13-11 (numbered list below corresponds to the Ordained or Enactment Clauses of the current Ordinance 13-11):**

- 1) Article III includes Definitions for the Zoning Ordinance. This amendment would include definitions for Sketch Plan and Site Plan, not currently defined in the Zoning Ordinance.

*Note: Long standing practice of the Planning Commission is that Site Plan Approvals require two distinct phases prior to obtaining a Building Permit for all new non-Residential development: Sketch Plan approval and Site Plan approval. Sketch Plan is intended to be a Concept Plan approval where once a Concept is approved, it authorizes a property owner to move forward*

*with preparing the more in-depth materials (i.e. spend significantly more \$) required for the Site Plan stage.*

*Need: Defining the terms Sketch Plan and Site Plan has been needed for many years as their currently is little distinction or consistency.*

- 2) Article IV (General Provisions), Section 8 (Material to be Submitted for Review) currently specifies the material that is required to be submitted on a site plan that is required to be approved by the Planning Commission prior to the issuance of a building permit. This amendment would replace this section entirely with the distinct requirements for each Sketch Plan and Site Plan phase.

*Note: As stated above it has been long standing practice of the Planning Commission to require both Sketch Plan and Site Plan.*

*Need: Explicitly providing for a Sketch Plan and Site Plan in a building permit process has been needed for many years to clarify basis for this practice.*

- 3) Article VI (Provisions Governing Residential Districts), Section 5.7 (2.2) (Planning Commission Recommendation) pertains specifically to R-4 (High Density) Residential Districts. Amendments 3, 4 & 5 all serve to update requirements or correct errant references. Amendment 3 specifically replaces Section 5.7 (2.2) to update the number of required copies from 10 to 12, and update the number of days required for submittal from 10 to 12, adding that this is prior to the PC Work Session.

*Note: The current language of the Zoning Ordinance does not distinguish Work Session.*

*Need: This amendment is required to make these requirements consistent with other PC Requirements in the Subdivision Regulations (i.e. the number of copies required, and the number of days required prior to the Work Session).*

- 4) Amendment 4 specifically replaces Section 5.7 (2.3) to update all current references of "City Council" in this section to "The Board of Mayor and Aldermen". This amendment also replaces a current errant specific reference of "as set forth in Section 5.8(3) (below)" to "as set forth in Section 5.7(3) (below)", which is the correct reference.

*Note: This amendment has been recommended by our City Attorney*

*Need: This amendment has been recommended by our City Attorney*

- 5) Amendment 5 specifically replaces Section 5.7 (3.2) (Review Procedure) to update the number of copies and the days required for submittal to match Amendment 3.

*Note: The City Attorney has provided a memo regarding his opinion that there may be issues with the current language of this section that we should consider addressing while we are making these amendments. Please note his memo for comments.*

*Need: This amendment is required to make these requirements consistent with other PC*

*Requirements in the Subdivision Regulations.*

- 6) Amendment 6 pertains to Article VII (Provisions Governing Business Districts), adding Sketch Plan approval process and then Site Plan approval process by the Planning Commission prior to the issuance of a building permit for Business Districts.

*Note: As stated above it has been long standing practice of the Planning Commission to require both Sketch Plan and Site Plan.*

*Need: Explicitly providing for a Sketch Plan and Site Plan in a building permit process has been needed for many years to clarify basis for this practice.*

- 7) Amendment 7 pertains to Article VIII (Provisions Governing Industrial Districts), adding Sketch Plan approval process and then Site Plan approval process by the Planning Commission prior to the issuance of a building permit for Industrial Districts.

*Note: As stated above it has been long standing practice of the Planning Commission to require both Sketch Plan and Site Plan.*

*Need: Explicitly providing for a Sketch Plan and Site Plan in a building permit process has been needed for many years to clarify basis for this practice.*

**Additional Considerations:** Amendments proposed by Ordinance 13-11 adequately provide coordination between the new Subdivision Regulations and the Zoning Ordinance. However, there are several additional considerations for issues pertaining specifically to Building Permit processes that have existed that have not been addressed with these amendments. They include:

- 1) Historic Commission
- 2) Design Review Commission
- 3) Additional Building Permitting Issues

**Pertaining to Historic Commission:** In April 2007, the BOMA formed the Historic Commission (Ordinance 07-01), which resulted in the Historic Commission being added as a Chapter to our Municipal Code under Title 2, "Boards and Commissions, etc."

Spring Hill Municipal Code § 2-406 states, in part (***Emphasis Added***):

**2-406. Designation and protection of historically significant sites.**

(1) Designation of a historically significant site will be done by resolution of the board of mayor and aldermen upon recommendation by the Spring Hill Historic Commission. A proclamation (a formal copy to be provided the owner), along with a metal plaque to be prominently displayed at the site, will be provided by the city.

***(2) Once a site or structure is designated as historically significant, the planning commission shall thereafter, as part of its normal site review process, be responsible for ensuring that appropriate measures are taken to protect the structure and the immediate grounds when development or redevelopment occurs on adjacent property.***

Additionally, Spring Hill Municipal Code § 2-408 states, in part (*Emphasis Added*):

**2-408. Mapping of historically significant sites.** All official city maps shall be modified to allow for the inclusion of designated historically significant sites in an appropriate and consistent manner. *An application for a subdivision of property, site development plan and/or zoning district amendment shall identify all significant historic and archeological features and structures (as designated by the board of mayor and aldermen) that are located on the affected property or within three hundred feet (300') of the boundary of the affected property.* Any proposed development plan for the affected tract shall be guided by city zoning and subdivision regulations and the principles and standards contained within the publication, "Saving the Farmstead" (a publication of the Heritage Foundation of Franklin and Williamson County dated December 1996). The development plan shall be configured in a manner that protects the historic and archeological features on the property to the greatest extent feasible and practical. **The plan shall be subject to review and comments** by a qualified historic preservation consultant retained by the city **and the recommendations of the Spring Hill Historic Commission.** Upon approval of a development plan by the planning commission, no grading or building permits shall be issued by the city manager or his designee until stabilization measures are in place to permanently protect the feature from the impact of nearby construction.

**Consideration for Discussion:** Since we are amending the process to obtain a Building Permit, and also features of Sketch and Site Plans, would we consider adding language that would incorporate the provisions of our Municipal Code § 2-406 and 2-408 that the Planning Commission should receive a recommendation from the Historic Commission for development plans within three hundred feet of a property recognized as being Historically Significant prior to the issuance of a building permit?

**Pertaining to Design Review Commission:** In July 2011, the BOMA formed the Design Review Commission ("DRC", Resolution 11-61). This commission (currently the Planning Commission) was formed under the authority of T.C.A. § 6-54-133 to develop and maintain general guidelines for the exterior appearance of all non residential property, multiple family residential property and entrances to non-residential developments.

The goal of the DRC as stated in Resolution 11-61 is to maintain the unique character of the community and in preserving and promoting high-quality aesthetic design standards.

The following is an excerpt from the current Draft of the Design Review Guidelines for the City of Spring Hill:

The City of Spring Hill Design Review Guidelines serves the following general purposes:

- (1) Educate property owners, designers, developers, the public, and plan reviewers on what is expected and desired for all non-residential property, multiple family residential properties and any entrance to a nonresidential development throughout the City of Spring Hill;
- (2) Improve the overall quality of commercial and multiple family residential developments in Spring Hill;

- (3) Ensure the compatibility of new and revitalized developments with surrounding land uses;
- (4) Enhance pedestrian safety and walk-ability;
- (5) Present clear principles and priorities for achieving this vision; and
- (6) Provide an objective and fair basis for reviewing projects whether administratively by staff or by the Design Review Commission.

Currently SH Zoning Ordinance Article IV, Section 19 includes “Design Standards” (Section 19.1 for Commercial and Industrial, Section 19.2 for Residential) at some point, this section needs to be amended, likely after the Design Review Commission completes its task of implementing Design Guidelines for the City of Spring Hill.

**Consideration for Discussion:** Since we are amending the process to obtain a Building Permit, and also features of Sketch and Site Plans, would we consider adding language that would incorporate the Design Review process prior to the issuance of a Building Permit?

**Pertaining to Additional Building Permitting Issues:** As we seek to clarify the Building Permit process by amending the Zoning Ordinance with Ordinance 13-11, we have an opportunity to identify if there are any other Building Permit related issues that should be addressed.

**Consideration for Discussion:** Are there any other issues relating to the Building Permit process that should be addressed in the Zoning Ordinance?