

**ORDINANCE NO. 02-08****AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE,**

Whereas, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and general laws of the State of Tennessee, enact and amend zoning ordinance regulations 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.

Whereas, the Spring Hill Planning Commission has recommended to the Board of Mayor and Aldermen that the Zoning Ordinance of the City Spring Hill, Tennessee, be amended as hereafter described;

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

**Section 1** That Article III, DEFINITIONS, is hereby amended by deleting the definitions for "apartment", "cluster housing development", "duplex", "dwelling", "group housing development" and "mobile home" and adding definitions for "dwelling" and "farm" (see ATTACHMENT 1).

**Section 2** That Article IV, GENERAL PROVISIONS, Section 11, Provisions for Condominiums, is hereby amended by changing the language of Subsections 11.1 and 11.2 to read as follows:

- 11.1 Each condominium created for the purpose of sale or transfer of real property is subject to the Provisions for Group Housing Development as regulated in Article VI, Section 5.8 of this ordinance.
- 11.2 Each owner shall further comply with Article II, Section 2-101.5 (Special Provisions Governing Unit Ownership (Condominium) Subdivisions) of the Spring Hill Subdivision Regulations.

**Section 3** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 1, (AG) Agricultural Districts, Subsection 1.3, Uses Prohibited, is hereby amended by deleting it entirely and adding the following language:

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.

**Section 4** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 2, (R-1) Residential Districts (Low Density), Subsection 2.3, Uses Prohibited, is hereby amended by deleting it entirely and adding the following language:

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.

**Section 5** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 3, (R-2) Residential (Medium Density), Subsection 3.1, Uses Permitted, is hereby amended by deleting it entirely and adding the following language:

- 3.1(1) Single-detached dwellings.
- 3.1(2) Residential planned unit developments.

**Section 6** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 3, (R-2) Residential (Medium Density), Subsection 3.2, Uses Permitted on Appeal, is hereby amended by deleting Items 3.2(2) Special Provisions Governing the Placement and Use of Carports Upon Existing Narrow Residential Lots, and 3.2(3) Cluster Residential Development (Subdivided), in their entirety.

**Section 7** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 3, (R-2) Residential (Medium Density), Subsection 3.3, Uses Prohibited, is hereby amended by deleting it entirely and adding the following language:

All other types of dwellings (as defined in Article III of this ordinance), mobile home parks, apartments, all commercial uses and all industrial uses that are not specifically permitted, permitted on appeal or permitted by implication are strictly prohibited.

**Section 8** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 4, (R-3) Mobile Home Park Zone, is hereby amended by adding the following language:

- 4.2 Uses Permitted on Appeal.
- None.
- 4.3 Uses Prohibited.

All other types of dwellings (as defined in Article III of this ordinance), 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.

and renumbering Subsections 4.2 through 4.8 as Subsections 4.4 through 4.10.

**Section 9** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 5, R-4 Residential (High Density), Subsection 5.1, Uses Permitted, is hereby amended by deleting it entirely and adding the following language:

- 5.1(1) Single-detached dwellings.
- 5.1(2) Duplex dwellings.
- 5.1(3) Townhouses.
- 5.1(4) Condominiums, in accordance with Subsection 5.8 of this Article.
- 5.1(5) Triplex dwellings.
- 5.1(6) Quadruplex dwellings.
- 5.1(7) Zero-lot line dwellings.

**Section 10** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 5, R-4 Residential (High Density), Subsection 5.2, Uses Permitted on Appeal, is hereby amended by deleting Items 5.2(2) Special Provisions Governing the Placement and Use of Carports Upon Existing Narrow Residential Lots, in its entirety and adding the following language:

- 5.2(2) Rooming houses.
- 5.2(3) Boarding houses.

**Section 11** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 5, R-4 Residential (High Density), Subsection 5.3, Uses Prohibited, is hereby amended by deleting it entirely and adding the following language:

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.

**Section 12** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 5, R-4 Residential (High Density), Subsection 5.8, Group Housing, is hereby amended to read as 5.8 Provisions for Group Housing Development.

**Section 13** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 6, R-5 Residential (Apartments), Subsection 6.1, Uses Permitted, is hereby amended to read as follows:

- 6.1(1) Apartments, in accordance with Subsection 5.8 of this Article.

**Section 14** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 6, R-5 Residential (Apartments), Subsection 6.2, Uses Permitted on Appeal, is hereby amended to read as follows:

6.2(1) None.

**Section 15** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 6, R-5 Residential (Apartments), Subsection 6.3, Uses Prohibited, is hereby amended by deleting it entirely and adding the following language:

All other types of dwellings (as defined in Article III of this ordinance), mobile home parks, 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.

**Section 16** That Article VI, PROVISIONS GOVERNING RESIDENTIAL DISTRICTS, Section 6, R-5 Residential (Apartments), Subsection 6.8, Procedure for Submission and Review, is hereby amended by deleting it entirely and adding the following language:

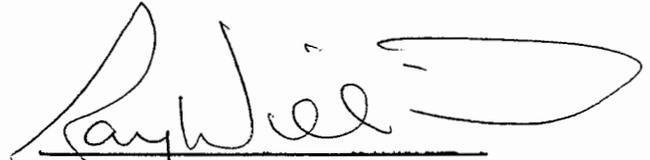
As regulated in Subsection 5.8 of this Article.

**Section 17** That Article 10, PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT DISTRICTS, Section 3, Residential Planned Unit Development, is hereby amending by deleting it entirely and replacing with language as shown in ATTACHMENT 2.

**LEGAL STATUS PROVISIONS**

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

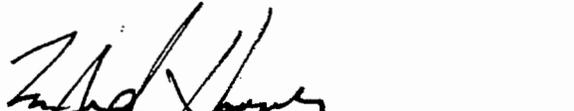
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 2<sup>nd</sup> day of MAY, 2002.

  
RAY WILLIAMS, MAYOR

ATTEST:

  
APRIL GOAD, CITY RECORDER

LEGAL FORM APPROVED:

  
M. ANDREW HOOVER, CITY ATTORNEY

Passed on 1<sup>st</sup> Reading: 4-15-02

Passed on 2<sup>nd</sup> Reading: 5-20-02

## ATTACHMENT 1

### ARTICLE III

#### DEFINITIONS

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 fire wall. Any walled and roofed addition which is connected by a fire wall 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.

~~Apartment - A building containing three (3) or more dwelling units.~~

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.

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.

~~**Cluster Housing Development** - A development whereby open space is preserved by permitting a subdivider to develop smaller lots than specified in the zoning district, coupled with the requirement that the land saved be reserved for permanent open space. The number of units allowable shall be based upon total acreage of the tract to be developed, including the area reserved for open space.~~

**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.

~~**Duplex** - A residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.~~

~~**Dwelling** - A house, apartment, or other building designed or used primarily for human habitation. The word "dwelling" shall not include boarding or rooming houses, hotels, motels or other structures designed for transient residence.~~

**Dwelling Unit** - A room or rooms connected together, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping facilities.

**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.

7. Condominium means an apartment-type building or townhouse containing three (3) or more dwelling units being under or intended for separate ownership for each family living accommodation.
8. Group housing means a condominium or apartment dwelling.
9. Triplex dwelling means three (3) units designed for use by three (3) families located on the same tract (zoned lot).
10. Quadruplex dwelling means four (4) units designed for use by four (4) families located on the same tract (zoned lot).
11. Manufactured dwelling means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred, twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained, therein.

Manufactured residential dwellings shall have the same general appearance as required for a site built home. (Tennessee Code, Section 13-24-202)

Moreover, such single-detached dwellings must be tagged by the Tennessee Department of Commerce and Insurance as a modular home (such dwelling having a green tag attached thereto). Any single-detached dwelling being tagged by the Tennessee Department of Commerce and Insurance as a mobile home (such dwelling having a red tag attached thereto) shall be regulated by this ordinance as a mobile Home, and not as a manufactured dwelling.

12. Mobile home means a vehicular portable structure built on a chassis, designed for year-round occupancy and designed to have no foundation other than wheels, jacks or skirting, and which is capable of being moved, towed or transported by another vehicle.
13. Zero-lot line dwelling means a building or structure containing two (2) units (duplex), each unit being located on it's own zoned lot in separate ownership.

Family - One or more persons occupying premises and living as a single, non-profit housekeeping unit.

Farm - A parcel of land containing five (5) or more contiguous acres devoted to agricultural use.

Fence - Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Floor Area - The area of all floors of a building including finished attic, finished basement and covered porches.

Floor Area Ratio - The ratio of the floor area to the area of the lot upon which the building is situated. (For example, a building containing 5,000 square feet of floor area, which is located on a lot of 10,000 square feet, has a floor area ratio (FAR) of .5).

~~Group Housing Development - Two or more apartment buildings under single ownership and designated as a single parcel of land.~~

Home Occupation - An occupation conducted in a dwelling unit, provided that:

1. Only one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. No home occupation shall be conducted in any accessory building;
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a one-family dwelling, or outside by the dwelling unit if conducted in other than a one-family dwelling.

Landholder - The persons having legal ownership or beneficial control of the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for purposes of this ordinance.

Loading Space - A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck.

Lot Area Per Dwelling Unit - That portion of the lot area required for each dwelling unit located on a lot. This may also be known as the development area per dwelling unit.

Lot Coverage - See "Building Area."

Lot Line - A boundary of a lot.

Lot Line (Front) - The line separating the front of the lot from the street. When a lot or building site is bounded by a public street and one (1) or more alleys or private easements, the front lot line shall be the nearest right-of-way line of a public street.

Lot Line (Rear) - The lot line not intersecting a front lot line that is most distance from and most closely parallel to the front lot line. A lot bounded by only three (3) lot lines will not have a rear lot line.

Lot Line (Side) - Any boundary of a lot that is not a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

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.

~~Mobile Home~~ A manufactured, transportable, single family dwelling unit, suitable for year-round occupancy and containing water supply, waste disposal and electrical convenience.

## ATTACHMENT 2

### Section 3. Residential Planned Unit Development.

#### 3.1 Purposes and Intent of a Residential Planned Unit Development

A residential planned unit development shall only be allowed in the R-2, Residential (Medium Density) District. A residential planned unit development is designed to accomplish the following:

- 3.1(1) To encourage variety, flexibility and innovation in land development and land use for basically residential areas which are consistent with the overall goals and objectives of the long-range general plan.
- 3.1(2) To provide a harmonious blending with the surrounding development, minimizing such negative influences as land use conflicts, heavy traffic congestion and excessive demands on existing or proposed public facilities.
- 3.1(3) To provide for increased safety, amenity and livability through improved design.
- 3.1(4) To provide open space.
- 3.1(5) To provide for the best use of the site consistent with the goals of protecting and enhancing the natural environment.

#### 3.2 General Standards Governing Project Approval.

The Planning Commission shall consider the proposed planned unit development from the point of view of the standards and purposes of the regulations governing the residential planned unit development so as to achieve a maximum of coordination between the proposed development and the surrounding uses; the conservation of woodland and the protection of water courses from erosion and siltation; and a maximum of safety, convenience and amenity for the residents of the development. To these ends, the Planning Commission shall consider the location of buildings, parking areas and other features, such as streams and trees; the efficiency, adequacy and location of green areas provided; the adequacy, location, and screening of the parking areas; and such other matters as the Planning Commission may find to have a material bearing upon the stated standards and objectives of these regulations.

#### 3.3 Activities Permitted Within a Residential Planned Unit Development.

Single-detached dwellings shall be allowed in a residential planned unit development. The Planning Commission may consider a proposed residential planned unit development with alternative types of dwellings. If attached dwellings are proposed within a residential planned unit development, then no more than twenty-five (25) percent of any remaining net development area for the site shall be allowed for such dwellings. The area within the residential planned unit development consisting of any attached dwellings shall be separated from single-detached dwellings by open space. The types of attached dwellings that shall be allowed in a residential planned unit development are townhouses, triplex dwellings, quadruplex dwellings and zero-lot line dwellings.

#### 3.4 Minimum Size of Residential Planned Unit Developments.

A residential planned unit development shall not contain less than five (5) acres.

### 3.5 Density Permitted.

The maximum number of dwelling units permitted shall be calculated as follows:

3.5(1) From the gross residentially zoned site shall be subtracted:

3.5(1.1) All land to be utilized as public street right-of-way.

3.5(1.2) Any portion of the site lying within a Floodway District.

3.5(2) The remaining net development area is then multiplied by a factor of not more than twelve (12) dwelling units per net acre. Any fractions of .5 or greater will be rounded to the next whole number.

### 3.6 Open Space Requirements.

Within any development approved under the provisions of this section, open space shall be provided which is adequate to:

- (a) Buffer both internal and external activities from objectionable or conflicting characteristics associated with such uses.
- (b) Assure adequate space, light and air, along with visual and acoustical privacy.
- (c) Assure reasonable protection of surrounding uses from possible negative effects resulting from a greater density or intensity of use which may be permitted within any planned unit development district.
- (d) Assure adequate protection from fire and adequate spacing of buildings.

#### 3.6(1) Ownership of Open Space.

Any open space located within a residential planned unit development shall be under the direct and continuing control of:

3.6(1.1) An individual, or

3.6(1.2) A maintenance association created to hold and maintain such property.

#### 3.6(2) Use of Open Space.

All open space shown on a development plan of any residential planned unit development shall be indicated as to its intended use. In this regard, such property shall be designated as:

3.6(2.1) Shared general public use area.

3.6(2.2) Shared limited use area.

3.6(2.3) Private use area.

Private or shared limited use areas shall generally be provided as required herein for all dwelling units located within a residential planned unit development. Such areas shall be designed so as to assure privacy and control of access by and for the

exclusive use of the intended residents. In any instance where an alternative to this provision is recommended, the Planning Commission shall make a specific finding (and enter its finding into its recommendation to the Board of Mayor and Aldermen) that an equal or greater measure of controlled use outdoor living area is to be provided.

3.7 Lot Size and Coverage.

Single-detached dwellings may exceed the minimum lot size and maximum lot coverage provisions established for an R-2, Residential (Medium Density) District. However, in no instance shall the aggregate density of all dwelling units and site coverage of all dwelling units exceed the density and coverage provisions established for an R-2, Residential (Medium Density) District.

In a residential planned unit development where townhouses, triplex dwellings, quadruplex dwellings and zero-lot line dwellings are allowed, each dwelling unit shall on its own lot have one (1) yard containing not less than seven hundred and fifty (750) square feet. This yard shall be reasonably secluded from view from streets and from neighboring property and shall not be used for off-street parking or for accessory buildings.

3.8 Access Requirement.

Every dwelling shall be located on a lot adjacent to a public street, or with access to a private street approved for said lot. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

3.9 Setback Requirement.

For all structures located within the internal portion of the site, the following setbacks shall apply:

Minimum distance between structures and street right-of-way line.....20 feet

Minimum spacing between structures.....15 feet

Minimum distance between structures and rear lot lines.....30 feet

In addition to the provisions set forth above, for structures or portions of any lots located along the periphery of the site, the setback provisions established for the district located adjacent to a residential planned unit development shall apply.

3.10 Pedestrian Circulation.

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian and vehicular movements. This may include, where deemed necessary by the Planning Commission, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, local shopping areas and other neighborhood uses which generate a considerable amount of pedestrian traffic.

3.12 Height Restrictions.

In general, the height restrictions applicable within an R-2, Residential (Medium Density) District shall apply to all uses permitted within a residential planned unit development. However, the Planning Commission may act to restrict height in any instance where

visual privacy of adjoining property may be threatened as a result of height variation along the periphery of an residential planned unit development. All structures exceeding thirty-five (35) feet in height are subject to specific approval by the City Fire Department and the Building Official.

### 3.13 Parking Requirements.

Two (2) parking spaces for every dwelling unit shall be required. If additional parking spaces are also required, they shall be grouped in off-site, off-street areas. The maximum number of parking spaces allowed for these parking areas shall be six (6) spaces per area. The location of these parking areas shall be determined by the Planning Commission at the preliminary phase.