

**ORDINANCE 25-14**

**AN ORDINANCE TO AMEND ARTICLE 8 (USES), ARTICLE 11 (LANDSCAPE), AND ARTICLE 15 (REQUIRED PUBLIC IMPROVEMENTS AND BONDS) OF THE UNIFIED DEVELOPMENT CODE**

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

**WHEREAS**, On September 30, 2024, the Planning Commission and Board of Mayor and Aldermen held a joint work session to receive an overview of potential UDC amendments and collect feedback on the details of these amendments; and

**WHEREAS**, the City of Spring Hill Board of Mayor and Alderman affirmed the intention to revise the standards and requirements related to bonds; and

**WHEREAS**, that all other resolutions or parts of resolutions in conflict herewith, be and the same hereby, repealed or modified as the case may be; and

**WHEREAS**, the Spring Hill Planning Commission, after conducting a public meeting on April 14, 2025, has reviewed these proposed amendments in their entirety and provided a favorable recommendation for their adoption by the Board of Mayor and Alderman; and

**WHEREAS**, that this ordinance shall become effective immediately upon its adoption.

**NOW, THEREFORE BE IT ORDAINED**, by the City of Spring Hill Board of Mayor and Aldermen, that Articles 8 (Uses), 11 (Landscape), and 15 (Required Public Improvements and Bonds) be revised as shown in the exhibits to follow:

1. Exhibit A: Article 8.2, Use Matrix; Table 8-1
2. Exhibit B: Article 8.3, Principle Use Standards
3. Exhibit C: Article 8.4, Temporary Use Standards
4. Exhibit D: Article 8.5, Use Definitions
5. Exhibit E: Article 11.12, Enforcement of Landscape Plan
6. Exhibit F: Article 15.17, Improvement Costs and Performance Bonds
7. Exhibit G: Article 15.18, Maintenance of Improvements

Passed and adopted by the City of Spring Hill Board of Mayor and Aldermen, this 2nd day of June, 2025.



Matt Fitterer, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



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Patrick Carter, City Attorney

Approved on 1<sup>st</sup> Reading: May 19, 2025

Approved on 2<sup>nd</sup> Reading: June 2, 2025



**REQUEST:** Ordinance 25-14

**SUBMITTED BY:** Dara Sanders, Development Services Director

**DATE:** May 5, 2025

**RE:** To approve an ordinance amending the Unified Development Code

**BACKGROUND:**

In March of 2024, City staff initiated amendments to the UDC and secured contract planning services to support the effort. On September 30, 2024, the Planning Commission and Board of Mayor and Aldermen held a joint work session to receive an overview of potential UDC amendments and collect feedback on the details of these amendments.

**REQUEST:**

The Development Services Department staff request to amend Unified Development Code (UDC) Articles 8 (Uses), 11 (Landscape), and 15 (Required Public Improvements and Bonds). These amendments are related to food trucks, drought tolerant landscaping, and accelerator provisions to performance bonds.

Staff has prepared amendments to three subject areas and intends to bring the remaining amendments discussed at the September work session this spring. The following chart summarizes the UDC amendments in this proposal:

**DISCUSSION:**

Topic	UDC Section	Proposed	Reason
Food Trucks	Article 8 (Use Matrix)	Update the Use Matrix to: Allow food truck courts as a use; and Distinguish between mobile food trucks and stationary food truck locations.	Recognize food truck courts as a use classification, removing them from the temporary use permit limitations, as food truck courts would be required to install some improvements to and investments in real property.  Create a distinction between stationary food trucks and food trucks that rotate through two or more properties, reflecting the two common means of food truck operation in Spring Hill, and accommodate both through temporary use permits.
	Article 8.3 (Principal Use Standards)	Adopt standards for Food Truck Courts	Establish use standards for seating accommodations, lighting, trash, and



			other site improvements for long-term food truck court uses of property.
	Article 8.4 (Temporary Use Standards)	Update standards for food trucks in a fixed location; and Adopt standards for mobile food trucks.	Adopt standards distinguishing between food trucks that remain on one property and food trucks that rotate through multiple properties in a day or over several days.
	Article 8.5 (Use Definitions)	Amend "Food Truck" definition and adopt "Food Truck Court" definition	Update the existing food truck definition to meet current industry standards and adopt a new definition for food truck courts to be two or more trucks on one property.
Drought Tolerance	Article 11.11 (Landscape)	Adopt a drought tolerate tree list	Respond to ongoing severe or extreme drought conditions with a list of trees that require less water to survive in the region. This will balance the importance of water conservation during drought periods, reduce irrigation watering needs for new developments, and support the City's policy and goal of growing a diversified urban tree canopy.
Bonds	Article 11.2 (Enforcement of Landscape Plan)	Revise the bond amount.	To respond to rapid increases in labor, materials, and maintenance costs related to installing public and private improvements associated with development requests.
	Article 15.17-18 (Performance and Maintenance Bonds)	Adopt a bond accelerator requirement for performance and maintenance bonds	Respond to rapid increases in labor, materials, and maintenance costs related to installing public and private improvements associated with development requests, and protect the City from negative financial impacts in the rare event that a bond is called.

**RECOMMENDATION:**

The Planning Commission voted unanimously to recommend BOMA approval of these amendments at their April 14,2025, meeting.

FOOD TRUCKS: EXHIBIT A  
Table 8-1: Use Matrix

Use Matrix P = Permitted Use S = Special Use T = Temporary Use Blank = Use not allowed in the district										
PRINCIPAL USE	Food Bank	Food Pantry	Food Truck Court	Micro-Brewery/Distiller y/Winery	TEMPORARY USE			Farmers' Market	Food Truck, Fixed	Food Truck, Mobile
R-4								T		
R-R								T		
R-1										
R-2										
R-3										
R-4										
R-5										
R-6										
R-7										
R-MH										
C-1			P					T	T	T
C-2		P	P					T	T	T
C-3		P	P	S				T	T	T
C-4	P	P	P	P				T	T	T
C-5	P	P	P	P				T	T	T
C-D		P	P	P				T	T	T
C-G			P	P				T	T	T
I-1	P		P	P						
I-2	P		P	P						
RD			P					T	T	T
IC								T		
AG								T		
PR								T		
NA								T		
USE STAND ARD			Sec. 8.3.P					Sec. 8.4.A	Sec. 8.4.B	Sec. 8.4.B

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**8.3 PRINCIPAL USE STANDARDS**

**O. Food Truck Court**

In addition to the use standards applied to fixed location food trucks, the following standards shall also apply to food truck courts:

1. 2 parking spaces per food truck are required in addition to the minimum required parking spaces for any other uses permitted on-site.
2. Shared seating areas shall be provided on-site.
3. Restroom facilities shall be provided on-site, or an access agreement shall be obtained for use of existing restrooms within 300 feet on the same side of the street. Temporary or portable facilities are not permitted.
4. Utility hookups must be provided on-site, including water and electricity at minimum.
5. Grease and waste management must be provided on-site, approved by the City of Spring Hill through a waste management system plan.
6. The site layout must maintain at least 10 feet of unobstructed distance between food trucks.
7. Operation plan is required.

(Subsequent Use Standard references to be re-alphabetized sequentially beginning with the current letter O including corresponding adjustments to use table conditions citations)

8.4 TEMPORARY USE STANDARDS

B. Food Trucks

I. Fixed Location

1. Fixed location food trucks are allowed in the following locations:

- a. On vacant private property;
- b. On private property with a permanent business, provided that the parking requirements for all businesses are met on-site; or
- c. Within a food truck court (see Section 8.3- Food Truck Court).

2. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the permit application.

3. Fixed location food trucks shall be licensed and inspected by the Health Department. No storage or accessory structures are permitted outside the food truck.

4. When not deployed, a food truck may be parked at its commissary or in an appropriately zoned area.

5. No amplified music is allowed.

6. No freestanding signs are allowed.

7. On-site refuse collection is required, and the permit holder must keep the area clear of litter and debris at all times. Recycling options are encouraged.

8. The food truck must remain on wheels and mobile at all times.

9. Permit approval is valid for 1 year, provided the food truck is operational for at least five days per week, after which time the permit for a fixed location food truck shall be renewed.

II. Mobile Food Service Food Truck, Mobile

1. The timeframe of a temporary mobile food sales use, including number of days per week and overall duration of the event, will be determined and approved as part of the temporary use permit.

2. The temporary use permit will be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.

3. All mobile food establishments trucks must be properly licensed by the health department. If the mobile food establishment operator is not the owner of the site where the truck or trailer will be located, written permission from the property owner must be submitted as part of the temporary use permit application.

4. On-site refuse collection is required and the permit holder must keep the area clear of litter and debris at all times. Recycling options are encouraged.

5. Outdoor seating may be provided on the site, but no seating may be permanently installed.

6. A permanent water or wastewater connection is prohibited.

7. Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.

8. Drive-through service is prohibited.

9. No storage or accessory structures are permitted outside the food truck.

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**REVIEW DRAFT**

FOOD TRUCKS: EXHIBIT C (cont)

~~14.~~ Permit approval is valid for 1 year, after which time the permit for a fixed location food truck shall be renewed.

(Subsequent Use Standard references to be re-alphabetized sequentially beginning with the letter C including corresponding adjustments to use table conditions citations)

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8.5 USE DEFINITIONS

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

**Food Truck Court.** A dedicated area where at least 2 or more food trucks are allowed to operate and serve food.

## REVIEW DRAFT

BONDS: EXHIBIT A

### 11.2 ENFORCEMENT OF LANDSCAPE PLAN

A. No certificate of occupancy will be approved before completion of landscaping. Prior to issuance of a certificate of occupancy, the developer or owner is required to post a landscape maintenance bond guaranteeing all landscaping materials and work for a period of two years after approval or acceptance thereof by the City in a sum established by the Planning Department. The bond will be in the amount of ~~110%~~ 150% of the estimated cost of replacing the landscaping required by these specifications, unless a different amount is set the Planning Department. At the end of two years, the City will inspect and notify the owner or developer and the bond company of any corrections to be made. If no maintenance is required, or if maintenance is provided by said responsible party, the City will release the bond.

B. If weather prohibits the installation of landscaping or required landscape material is unavailable at the time an occupancy permit is applied for, the applicant is required to post a landscape performance bond guaranteeing all landscaping materials and work in a sum established by the Planning Department. The bond will be in the amount of ~~110%~~ 150% of the estimated cost of landscaping materials and work, unless otherwise specified by the Planning Department. If a performance bond is provided, a temporary certificate of occupancy will be issued. At the expiration of the temporary certificate of occupancy, the City will inspect and notify the owner or developer and the bond company of any corrections to be made. If no change is required, the City will release the bond. A maintenance bond as in item A above is still required.

## REVIEW DRAFT

BONDS: EXHIBIT B

### 15.17 IMPROVEMENT COSTS AND PERFORMANCE BONDS

#### C. Performance Bond

A performance bond or insurance bond is required in the amount of ~~110%~~ 150% of the cost of the following required improvements: pavement, curbs, gutters, stormwater systems, sidewalks, traffic control devices, streetlights, utilities, ditches and/or drainage system, and amenities and open space (if required). ~~If no substantial work has been completed within two (2) years from the date the performance bond was established, an accelerator percentage shall be applied to the bond amount. The accelerator percentage shall be based on the current construction cost index as published by a nationally recognized source (e.g., ENR Construction Cost Index or equivalent). The bond amount shall be adjusted annually thereafter, with the accelerator percentage applied to the compounded bond amount from the previous year, rather than the original bond amount. The City of Spring Hill shall provide written notice to the developer or responsible party of the bond adjustment at least 30 days prior to the effective date of the annual accelerator application. Failure to comply with the adjusted bond requirements may result in enforcement actions, including but not limited to stop-work orders, withholding of permits, or other penalties as provided by the UDC.~~

- ~~1. The estimated cost of improvements shall be established by the City Engineer.~~
- ~~2. The performance bond or insurance bond must be secured by a letter of credit or a certified check, either of which must be from an approved financial institution chartered by the State of Tennessee with an office or branch authorized to accept a demand or "call" on the securing document within 50 miles of Spring Hill, Tennessee.~~
- ~~3. Such performance bond or insurance bond must comply with all statutory requirements and must be satisfactory as to form, sufficiency, and manner of execution as set forth in these regulations. Bonding instruments must include an automatic renewal or evergreen clause. The Planning Commission must specify the period within which required public improvements must be completed in the approval of the bond, but the time period cannot exceed two years from date of recording of final plat. The bond must be reviewed at least once every two years by the Planning Commission, at which time it may be reduced if significant work has been accomplished.~~
- ~~4. The Planning Commission may extend the completion date set forth in the bond for a maximum of two years at its discretion. Any extension of the performance period may necessitate an increase in the bond amount.~~
- ~~5. This performance bond or insurance bond must also be used as a guarantee for any repairs which may be required to City roads that have been identified or designated during the review process by the City Engineer as having been damaged as a result of any construction vehicle or equipment or other means during the construction by the developer/owner.~~
- ~~6. If the applicant has properly constructed pavement, curbs, gutters, stormwater systems, sidewalks, traffic control devices, streetlights, utilities, ditches and/or drainage system, and amenities and open space (if required), and has obtained a satisfactory inspection by the City, the development may convert the bond to an appropriate maintenance bond. This maintenance bond is required for a minimum of a one- or three-year period depending upon the backfill material used, prior to the final inspection and release of the bond by the City.~~

## REVIEW DRAFT

BONDS: EXHIBIT C

### 15.18 MAINTENANCE OF IMPROVEMENTS

- D. The maintenance bond must be 30% of the actual construction cost of all public improvements or 30% of the final accelerated performance bond amount. At 80% build out (80% of houses within the development or particular phase to be bonded have received their certificate of occupancy), unless otherwise allowed by the Planning Commission, the applicant must install the final asphalt layer.

11.11 REQUIRED PLANTS LIST

Table 11.11 Required Plants List

Understory Trees (Under 30 feet)				Small areas: -Must use root barrier installed linear to hardscape. -No multi-trunk.	Small and Medium Areas: - If planted within 7' of hardscape root barrier must be installed.	Medium to Large Areas: 15' minimum from hardscape or	Large Areas: 40' minimum from hardscape or buildings
Common Name	Scientific Name	TN Native	Drought Tolerance	Street Tree	Parking Lot	Buffer/Set Back Area	Open Space/ Large Area
Serviceberry	Amelanchier arborea	Yes	Moderate	X	X	X	X
American Hornbeam	Carpinus caroliniana	Yes	High	X	X	X	X
Eastern Redbud	Cercis canadensis	Yes	Moderate	X	X	X	X
Fringe Tree	Chionanthus virginicus	Yes	Moderate	X	X	X	X
Smoketree	Cotinus coggygria	Yes	High		X	X	X
Flowering Dogwood	Cornus florida	Yes	Moderate	X	X	X	X
Washington Hawthorn	Crateagus populifolia	Yes	High			X	X
American Holly	Ilex opaca	Yes	Moderate			X	X
Topal Holly	Ilex x attenuata	Yes	Moderate			X	X
Crape Myrtle	Lagerstroemia indica	No	High	X	X	X	X
Little Gem Magnolia	Magnolia grandiflora 'Little Gem'	Yes	Moderate	X	X	X	X
Sweetbay Magnolia	Magnolia virginiana	Yes	Moderate	X	X	X	X
Persian Ironwood	Parrotia persica	No	Moderate	X	X	X	X
Dwarf Chinkapin Oak	Quercus prinoides	Yes	High	X	X	X	X
Chastetree, Lilac	Vitex agnus-castus	No	High			X	X

Canopy Trees (30 feet and above)							
Common Name	Scientific Name	TN Native	Drought Tolerance	Street Tree	Parking Lot	Buffer/Set Back Area	Open Space/ Large Area
Trident Maple	Acer buergeranum	No	Moderate	X	X	X	X
Red Maple	Acer rubrum	Yes	Moderate	X	X	X	X
Sugar Maple	Acer saccharum	Yes	Moderate		X	X	X
River Birch	Betula nigra	Yes	High		X	X	X
Bitternut Hickory	Carya cordiformis	Yes	High				X
Shagbark Hickory	Carya ovata	Yes	High				X
American Beech	Fagus grandifolia	Yes	Moderate			X	X
Ginko (Male only)	Ginko biloba	No	High	X	X	X	X
Honeylocust	Gleditsia triacanthos	Yes	High				X
Eastern Red Cedar	Juniperus virginiana	Yes	Moderate		X	X	X
Tulip Poplar	Liriodendron tulipifera	Yes	Moderate			X	X
Sweetgum	Liquidambar styraciflua	Yes	Moderate			X	X
Southern Magnolia	Magnolia grandiflora	Yes	Moderate	X	X	X	X
Black Gum	Nyssa sylvatica	Yes	High			X	X
American Hornbeam	Ostrya virginiana	Yes	High	X	X	X	X
Chinese Pistache	Pistacia chinensis	No	High	X	X	X	X
Shortleaf Pine	Pinus echinata	Yes	High				X
Eastern White Pine	Pinus strobus	Yes	Moderate				X
Loblolly Pine	Pinus tadel	Yes	Moderate				X
London Plane	Platanus x acerifolia	No	High			X	X
Sycamore	Platanus occidentalis	Yes	Moderate			X	X
White Oak	Quercus alba	Yes	High			X	X

Swamp White Oak	Quercus bicolor	Yes	High			X	X
Southern Red Oak	Quercus falcata	Yes	High			X	X
Overcup Oak	Quercus lyrata	Yes	High	X	X	X	X
Bur Oak	Quercus macrocarpa	Yes	High			X	X
Texas Red Oak	Quercus texana	Yes	Moderate			X	X
Willow Oak	Quercus phellos	Yes	High			X	X
Red Oak	Quercus rubra	Yes	Moderate			X	X
Shumard Oak	Quercus shumardii	Yes	High			X	X
Black Locust	Robinia pseudoacacia	Yes	High				X
Bald Cypress	Taxodium distichum	Yes	High			X	X
Prohibited Trees							
<b>Common Name</b>	<b>Scientific Name</b>	<b>TN Native</b>	<b>Drought Tolerance</b>	<b>Street Tree</b>	<b>Parking Lot</b>	<b>Buffer/Set Back Area</b>	<b>Open Space/ Large Area</b>
Amur Maple	Acer ginnala						
Tree of Heaven	Ailanthus altissima						
Mimosa	Albizia julibrissin						
Paper Mulberry	Broussonetia papyrifera						
Leyland Cypress	Cupressus x leylandii						
Russian Olive	Elaeagnus angustifolia						
Ash spp.	Fraxinus spp.						
Chinese Parasol	Firmiana simplex						
Goldenrain Tree	Koelreuteria paniculata						
Chinaberry	Melia azedarach						
Princess Tree	Paulownia tomentosa						
White Poplar	Populus alba						

Ornamental Pear (Bradford)	<i>Pyrus calleryana</i> (all varieties)						
Chinese Tallow	<i>Triadica sebifera</i>						
Eastern Hemlock	<i>Tsuga canadensis</i>						
Siberian elm	<i>Ulmus pumila</i>						