

ORDINANCE 16-05

**AN ORDINANCE TO AMEND ORDINANCE NO. 86-47, THE SAME BEING
THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, BY AMENDING
ARTICLES IV AND XIV AND ADDING ARTICLE XVIII RELATED TO
PLANNED ZONING DISTRICTS**

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 the right to enact an amend to the Spring Hill Zoning Ordinance 86-47 with said amendment being within the adopted Comprehensive Plan purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; and

WHEREAS, the Spring Hill Municipal Planning Commission has created a precedent of promoting safe and orderly development standards; and

WHEREAS, the Spring Hill Municipal Planning Commission has recommended to the Board of Mayor and Aldermen on the 11th day of January, 2016, to amend Zoning Ordinance 86-47 of the City of Spring Hill, as hereafter described;

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

Section 1. That Article XVII (Planned Zoning Districts) is added as attached hereto (Exhibit A).

Section 2. That Article IV (General Provisions) Section 11.3 is amended to include the following fees for a Planned Zoning District application:

Nonresidential/mixed use

Zoning only:

Five acres or less - \$500

More than five acres - \$800

Zoning and development:

Five acres or less - \$500 + \$0.03/s.f. of g.f.a and \$10 per dwelling unit

More than five acres - \$800 + \$0.03/s.f. of g.f.a and \$10 per dwelling unit

Residential

Zoning only:

20 dwelling units of less - \$400

More than 20 dwelling units - \$600

Zoning and development:

20 dwelling units of less - \$400 + \$20/acre + \$10/lot or dwelling unit
More than 20 dwelling units - \$600 + \$20/acre + \$10/lot or dwelling unit

Section 3. That Article XIV (Amendments), Section 1.1, is amended to include Planned Zoning District applications in all rezoning notification, process, and procedural requirements, as follows:

The Planning Commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to this Zoning Ordinance. Prior to this review and recommendation, the Planning Department for the City of Spring Hill shall provide, to each applicant for a rezone, Planned Unit Development (PUD), Planned Zoning District (PZD), or Traditional Neighborhood Development (TND) a sample letter, attached as Appendix XIV - A hereto, for mailing to property owners within five hundred (500) feet from any boundary line of the property presented for re-zone or for a reclassification in use. The letter will be provided upon filing of the application.

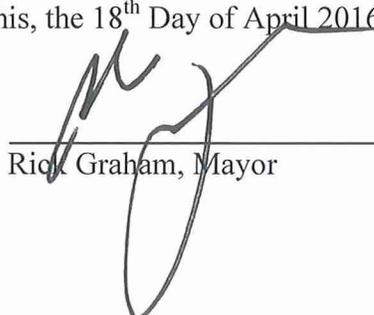
The letter shall include upcoming schedules of the Planning Commission and Board of Mayor and Aldermen meetings wherein the request will be considered, along with the location, date and times of such meetings, a specific identification of the property to be considered, the current zoning classification, including a map of the property, the proposed zoning classification, a description of the proposed use, and a proposed sketch plat if the change in use would become a PUD, PZD, or TND.

Section 4. That Article IV (Amendment) Section 11.3, Development Review Fee Schedule, such that the site plan, non-residential fee is \$100.00 plus .01 (one cent) of gross floor area.

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.

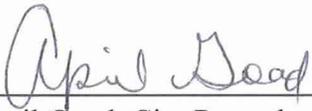
BE IT FURTHER ENACTED, that this Ordinance shall take effect from and after its adoption, the public welfare requiring it.

PASSED AND ADOPTED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE, this, the 18th Day of April 2016.



Rick Graham, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Patrick Carter, City Attorney

Passed on First Reading: March 21, 2016

Passed on Second Reading: April 18, 2016

“EXHIBIT A”

ARTICLE XVIII PLANNED ZONING DISTRICT

Section 1. Applicability

Any property located within the city limits is eligible for a Planned Zoning District (PZD).

Section 2. Purpose

The intent of the PZD is to permit and encourage comprehensively planned zoning and developments that cannot be achieved through the current base zoning districts of this Zoning Ordinance and whose purpose is redevelopment, economic development, cultural enrichment, or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The Board of Mayor and Aldermen may consider any of the following factors in review of a PZD application:

- A. *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- B. *Compatibility.* Providing for compatibility with the surrounding land uses.
- C. *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- D. *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- E. *No negative impact.* Does not have a negative effect upon the future development of the area:
- F. *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the City and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- G. *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

- H. *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- I. *Comprehensive Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding polices, principles, and recommendations of the Comprehensive Plan.
- J. *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- K. *Recognized zoning consideration.* Whether any other recognized zoning or municipal code consideration would be violated in this PZD.

Section 3. Rezoning

Property may be rezoned to the PZD by the Board of Mayor and Aldermen in accordance with the requirements of this chapter.

- A. A PZD shall not be used as a refuge from the requirements of an equivalent base zoning district.
- B. Proposed districts shall identify all uses, permitted by right or on appeal, subject to Board of Mayor and Aldermen approval of the PZD request.
- C. Residential densities shall be determined on the basis of the following:
 1. The densities of surrounding development;
 2. The densities allowed under the current Zoning;
 3. The development goals and other polices of the City’s Comprehensive Plan;
 4. The topography and character of the Natural environment; and
 5. The impact of a given density on the specific site and adjacent properties.
- D. *Building setback.* There shall be no minimum building setback requirement except as may be determined by the Planning Commission and the Board of Mayor and Aldermen during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties.
- E. *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission and Board of Mayor and Aldermen during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or Board of Mayor and Alderman when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

- F. *Building area.* The Planning Commission and Board of Mayor and Aldermen shall review specific proposed lot coverages with generally correspond to the guidelines for lot coverage in the respective residential, office commercial or industrial district which most depicts said development scheme.
- G. *Design and development.* The Planning Commission and Board of Mayor and Aldermen shall review specific proposed design and development criteria if the proposal intends to incorporate techniques and specifications beyond those permitted in the City's Zoning Ordinance and Subdivision Regulations.
- H. *Maintenance Organization.* In any instance where common open space is to be conveyed to an organization other than a public agency, the Planning Commission and the Board of Mayor and Aldermen shall require that the landholder provide for and establish an organization for the ownership and maintenance of any common open space.
1. Such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the City and the said dedication be approved by the Planning Commission.
 2. In the event that the organization established to own and maintain common open space, or any successor organization shall at any time after the establishment of the PZD fail to maintain the common open space in reasonable order and condition in accordance with the final approved plan, the Planning Department may serve written notice upon such organization and/or the owners or residents of the property. Should the organization fail to maintain the common open space thirty (30) days after the issuance of written notice, the Planning Department shall call upon any public or private agency to maintain the common space for a period of one (1) year. When the Planning Department determines that the organization is not prepared for the maintenance for yearly periods. The cost of such maintenance shall be assessed proportionately against the properties within the PZD that have a right to enjoyment of the common open space, and shall become a lien on said properties.
- I. *Additional Application Requirements.* Plans and exhibits shall be drawn and prepared by a licensed design professional and shall be prepared legibly in a standard engineering scale. The following information shall be submitted to the Planning and Zoning Department for review:
1. Name, Address, Zoning, and Property lines of all property owners adjacent to the exterior boundaries of the project

2. Name, address, phone numbers of owner(s), developer(s), and representatives. All parties who have more than a 5% ownership and/or investment in the project shall be listed. In the event that a separate company is established for the project, all members of the company shall be listed individually with their own contact information.
3. North arrow, scale, date of preparation, existing zoning, classification, map/parcel numbers, and total acreage
4. Title block located in the lower right hand corner indicating the name and type of project, scale, firm/individual preparing drawing, date, and revisions
5. Legend containing all symbols and lines shown in the drawing
6. Vicinity map of the project with a radius of 1.5 miles from the project, and show Major Thoroughfare Plan streets as well as the 100 year floodplain boundary
7. Show location of all existing structures on property
8. Site coverage note indicating the percentage of the site that is currently covered by impervious surface.
9. Title, name, address, stamp, and signature of design professional who prepared the PZD submittal documents.
10. Show the 100 year floodplain and /or floodway and base flood elevations. Reference the FIRM panel number and effective date.
11. Note and delineate wetlands on the property
12. Existing and proposed topographic information with source noted
13. Show stream buffers
14. Delineate trees to be retained on-site and the measures to be implemented for their protection
15. Show, note, and dimension all known existing on and off site utilities and easements with name of easement holder and the purpose of the easement
16. If a septic system is to be utilized, provide a table of the acreage and percolation rates
17. Show conceptual layout for roadways within the property and address connectivity requirements such that the project has two points of ingress/egress.
18. Identify the location of known existing or abandoned water wells, sumps, cesspools, springs, streams, bodies of water, water impoundments, and underground structures within the project
19. Show the location of know existing or proposed ground leases or access agreements (shared parking lots, drives, etc.)
20. Show location of adjacent parks, cemeteries, structures, development, and historically significant properties
21. Show contours at vertical intervals of not more than two (2) feet
22. Any other data or reports as deemed necessary for project review by the City Planner, City Administration, or Planning Commission

Section 4. Submittal Requirements

An application shall not be considered complete until the required submittal information has been provided to the Planning Department.

- A. Application type.
 - 1. Zoning. A PZD application may be submitted to establish the zoning criteria of a property, in accordance with Section 3 of this article.
- B. All PZD applications shall include a booklet and concept plan:
 - 1. *Booklet*. Describe the intent of each proposed district and list all zoning, design, and development criteria, as outlined in Section 3 of this Article.
 - 2. *Concept Plan*. Illustrate the general development form and arrangement permitted by the proposed districts to satisfy the requirements of Section 3 in this article.

Section 5. Phasing

Standard vesting periods shall apply for an application requiring preliminary approval, as outlined in Article IV, Section 8.4.

- A. Exception. The Board of Mayor and Aldermen may approve a phasing plan granting extended vesting periods than the standard. The proposed phasing plan shall include the action that commences the initial vesting period and all subsequent actions that extend the initial vesting period, similar to the organization of Article IV, Section 8.4. The initial vesting period shall not exceed 15 years for undeveloped properties.

Section 6. Enforcement

The construction and provision of development entitled by a PZD must be in compliance with the approved submittals described herein. If the Planning Commission finds that development is occurring in a manner inconsistent with the approved PZD, then the Planning Commission may take either or both of the following actions:

- A. Cease to approve any additional final plats.
- B. Instruct the Codes Director to discontinue issuance of building permits.

In any instance where the above actions are taken, the Planning Commission shall gain assurance that the issues have been resolved and the project has been brought back into compliance with the approved PZD.